DIPLOMACY IN THE NEAR AND MIDDLE EAST

A Documentary Record 1535-1956

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J. C. Hurewitz

ARCHIVE EDITIONS

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VOLUME I

1535-1914

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PREFACE

Volume I of the present work focuses on major international issues of the period between 1535 and 1914: the evolution of the capitulatory regimes in the Ottoman Empire and Persia, the differences between the two and the political uses to which the Great Powers put them; the development of the Turkish Straits dispute from its origin in 1774; the attempts between 1639 and 1914 to establish a fixed Ottoman-Persian boundary; the formation of special administrations for Lebanon; the political and strategic effects of piercing the Suez Canal; the rise of Egypt in the nineteenth century to a status approaching sovereignty; the ambiguities attending the British occupation of Cyprus and Egypt and the creation of an Anglo-Egyptian condominium in the Sudan; the conversion of the Persian Gulf into an Anglo-Indian lake; and the European scramble for railroad and oil concessions.

The papers of volume II are intended to illuminate decisive developments in the past four decades: Entente secret schemes in World War I for dismembering the Ottoman Empire and Britain's concomitant negotiations with Arabs and Zionists; the diplomatic discord at the Turkish Straits; the Anglo-Egyptian strife over Suez and the Sudan; the intercontinental ramifications of the pervasive Palestine—and later Arab-Israel—conflict; the spectacular rise of the oil industry in the Persian Gulf zone and its complex diplomacy; the widening claim of the newly sovereign Near and Middle East states to a voice in world politics; the sapping of French influence in the region in World War II; the rapid shrinkage of British power in the succeeding decade; and the consequent competition between the United States and the USSR.

Ellipsis marks have been used only to indicate excisions in the body of documents, but not at the beginning and end to signify omission of preambles, clauses on ratification, and signatures. I have not tampered with capitalization, spelling, transliteration or obvious grammatical and punctuation errors in the original instruments. I have, however, almost always shortened "Article" to "Art.," when it is employed as a title, and in rare instances (*e.g.*, II, Doc. 28) I have replaced accompanying written numerals with Arabic numerals. Only in items for whose translation I assume responsibility and in the introductory comments have I tried to standardize the spelling and the transliteration of Near and Middle East concepts, as well as personal and place names. Redundant titles in a few instances (such as I, Doc. 36; and II, Doc. 94) have been omitted, as a space-saving device, from articles of treaties and other instruments, only after it was ascertained that the sense of the original was not

in the least impaired. In cross references Roman numerals I and II, unaccompanied by any titles, refer to the respective volumes of the present work. When cross references call attention to papers in the same volume, only the document number is given.

J. C. H.

New York, N. Y.
25 April 1956

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CONTENTS

DOC. NO.		PAGE
1.	Treaty of Amity and Commerce: the Ottoman Empire and France, February 1535	1
2.	Trading Privileges Granted to Anthony Jenkinson by Sultan Süleyman I, 1553	5
3.	Commercial Privileges Issued to the (English) Muscovy Company by Shah Tahmasp of Persia, 1566-68	6
4.	Treaty of Commerce: the Ottoman Empire and England, June 1580	7
5.	First Charter of the (English) Levant Company, 11 September 1581	9
6.	Promise by Shah 'Abbas of Extraterritorial Privileges to Europeans, 1600	15
7.	Grant of Capitulations by Shah 'Abbas to the Netherlands, 17 November 1623	16
8.	Grant of Capitulations by Shah Safi to England, July-August 1629	18
9.	Grant of Extraterritorial Privileges to Persian Merchants in the Netherlands, 7 February 1631	20
10.	Treaty of Peace and Frontiers: the Ottoman Empire and Persia, 17 May 1639	21
11.	Maronite Community of Lebanon Placed under French Protection by Louis XIV, 28 April 1649	24
12.	Final Treaty of Capitulations: the Ottoman Empire and England, September 1675	25
13.	Capitulation Granted by Shah Sultan Husayn to France, 7 September 1708	32
14.	Ottoman Terms of Peace Accepted by Russia at Pruth, 10/21 July 1711	39
15.	Treaty of Friendship and Commerce: France and Persia, 13-15 August 1715	40
16.	Russo-Ottoman Treaty for the Partition of Persia's Northwest Provinces, 13/24 June 1724	42
17.	Treaty of Peace, Amity and Commerce: Persia and Russia, 21 January/1 February 1732	45
18.	Treaty of Peace (Belgrade): the Ottoman Empire and Russia, 7/18 September 1739	47
19.	Treaty of Peace (Kurdan): the Ottoman Empire and Persia, 4 September 1746	51
20.	Grant of Special Privileges at Bushire to the (British) East India Company, 2 July 1763	52

DOC. NO. PAGE

21. Treaty of Peace (Küçük Kaynarca): Russia and the Ottoman Empire, 10/21 July 1774 54
22. Decree of the French Directory Instructing Napoleon to Launch the Egyptian Campaign, 12 April 1798 61
23. Napoleon's Proclamation to the Egyptians, 2 July 1798 63
24. East India Company's Agreement with Imam of Masqat for Excluding the French from His Territories, 12 October 1798 64
25. Defensive Alliance: Great Britain and the Ottoman Empire, 5 January 1799 65
26. Ottoman Grant of Commercial Privileges in the Black Sea to British Merchant Vessels, 30 October 1799 67
27. Treaties of Alliance and Commerce: Great Britain and Persia, 28 January 1801 68
28. Treaty of Peace: France and the Ottoman Empire, 25 June 1802 71
29. Treaty of Defensive Alliance: the Ottoman Empire and Russia, 11/23 September 1805 72
30. Treaty of Alliance (Finkenstein): France and Persia, 4 May 1807 77
31. Napoleon's Instructions to the Chief of the French Mission to Persia, 10 May 1807 78
32. The (Dardanelles) Treaty of Peace, Commerce and Secret Alliance: Great Britain and the Ottoman Empire, 5 January 1809 81
33. Treaty of Peace (Gulistan): Russia and Persia, 30 September/12 October 1813 84
34. (Definitive) Treaty of Defensive Alliance: Britain and Persia, 25 November 1814 86
35. General Treaty for Suppressing Piracy and Slave Traffic: Great Britain and the Arab Tribes in the Persian Gulf, 8 January 1820 88
36. Treaty of Peace (Erzurum): the Ottoman Empire and Persia, 28 July 1823 90
37. Act of the British Parliament Dissolving the Levant Company, 10 June 1825 92
38. Treaties of Peace and Commerce (Turkmanchay): Persia and Russia, 10/22 February 1828 96
39. Treaty of Commerce and Navigation: the United States and the Ottoman Empire, 7 May 1830 102
40. Treaty of Defensive Alliance (Hünkâr Iskelesi): the Ottoman Empire and Russia, 26 June/8 July 1833 105
41. Protest against Treaty of Hünkâr Iskelesi, Presented to the Sublime Porte by the British Ambassador, 26 August 1833 106
42. Convention (Münchengrätz) for Common Action on the Eastern Question: Austria and Russia, 6/18 September 1833 107

DOC. NO. PAGE
43. Treaty of Amity and Commerce: the United States and Masqat, 21 September 1833 108
44. Ottoman *Ferman* Permitting Navigation of the Euphrates River by British Steam Vessels, 29 December 1834 109
45. Commercial Convention (Balta Liman): Britain and the Ottoman Empire, 16 August 1838 110
46. British Policy toward the Ottoman Empire, Foreign Minister Palmerston to Her Majesty's Ambassador at Vienna, 28 June 1839 111
47. Collective Note to the Sublime Porte by the Great Powers' Diplomatic Representatives, 27 July 1839 113
48. The Hattı Şerif of Gülhane, 3 November 1839 113
49. Convention (London) for the Pacification of the Levant: Austria, Great Britain, Prussia and Russia with the Ottoman Empire, 15 July-17 September 1840 116
50. Sultan's *Ferman* Naming Mehmed 'Ali Governor for Life of the Sudanese Provinces, 13 February 1841 120
51. Sultan's *Ferman* to Mehmed 'Ali, Stipulating Conditions of Hereditary Governorship of Egypt, 1 June 1841 121
52. Convention (London) Regarding the Straits: Austria, France, Great Britain, Prussia, Russia, and the Ottoman Empire, 13 July 1841 123
53. Treaty of Commerce: the United Kingdom and Persia, 28 October 1841 123
54. Ottoman Acceptance of the Great Powers' Proposal for the Administration of Lebanon, 7 December 1842 124
55. Treaty of Friendship: Britain and the Sultan of Lahij, 11 February 1843 126
56. Treaty of Commerce: France and Masqat, 17 November 1844 127
57. Russian (Nesselrode) Memorandum to British Government Recommending Joint Policy toward the Ottoman Empire, 3 December 1844 130
58. Ottoman Circular Informing the Great Powers of Changes in the Administration of Lebanon, 28 July 1845 132
59. Conversations between Tsar Nicholas I and Sir George Hamilton Seymour, the British Minister to Russia, 22 January-21 February 1853 135
60. Undertaking by Persia Not to Attack Herat, 25 January 1853 141
61. Perpetual Maritime Truce Concluded by the Shaykhs of the 'Umani Coast, 4 May 1853 143
62. Treaty for Military Aid to the Sublime Porte: France, Great Britain, and the Ottoman Empire, 12 March 1854 144
63. Deed of the Masqati Sultan Ceding the Kuria Muria Islands to the British Crown, 14 July 1854 145
64. Definitive Concession for the Construction of the Suez Canal, 5 January 1856 146

DOC. NO. PAGE

65. Sultan 'Abdülmecid's Hattı Hümayun Reaffirming the Privileges and Immunities of the non-Muslim Communities, 18 February 1856 149
66. The Treaty of Peace (Paris) Terminating the Crimean War, with Pertinent Annexed Conventions, 30 March 1856 153
67. Treaty Guaranteeing the Independence and Integrity of the Ottoman Empire: Austria, France, and Great Britain, 15 April 1856 156
68. Lease by Persia to Masqat of Bandar 'Abbas, Qishm and Hurmuz, 17 November 1856 157
69. Treaty of Friendship and Commerce: the United States and Persia, 13 December 1856 158
70. Treaty of Peace (Paris): Britain and Persia, 4 March 1857 161
71. Convention on Measures for Pacifying Syria (and Lebanon): Austria, France, Great Britain, Prussia, Russia and the Ottoman Empire, 5 September 1860 163
72. Convention Prolonging the French Occupation of Lebanon: the European Powers and the Ottoman Empire, 19 March 1861 164
73. Regulation for the Administration of Lebanon, 9 June 1861 165
74. Declaration by Britain and France Guaranteeing the Independence of Masqat and Zanzibar, 10 March 1862 168
75. Convention Relative to Telegraphic Communication between Europe and India: Britain and Persia, 23 November 1865 169
76. First Sa'udi Assurances to Britain, 21 April 1866 172
77. Lord Clarendon's Formula of the British Position on the Bahrayn Islands, 29 April 1869 172
78. Treaty (London) for Revising the Black Sea Clauses of the Treaty of Paris (1856): the European Powers and the Ottoman Empire, 1/13 March 1871 173
79. Ottoman *Ferman* Consolidating the Special Privileges Conferred on the Khedive of Egypt, 8 June 1873 174
80. British Treasury Minute on Arrangements for Loan to Purchase the Khedive's Interest in the Suez Canal Company, 25 November 1875 177
81. Anglo-Egyptian Agreement for Purchase of the Khedive's Suez Canal Company Shares with Explanatory Letter of British Agent and Consul General, 25 and 27 November 1875 178
82. Disraeli's Defense before the House of Commons of His Suez Action, 21 February 1876 180
83. Khedivial Decree Establishing a Public Debt Commission in Egypt, 2 May 1876 185
84. Suez Canal Company Assembly's Resolution on British Participation in the Company's Council, 27 June 1876 187
85. The Cyprus Convention: Great Britain and the Ottoman Empire, 4 June 1878-3 February 1879 187

DOC. NO. PAGE
86. The Treaty of Berlin, 13 July 1878 189
87. British Policy on Egypt, 16 October 1879 191
88. Agreement: Great Britain and the Shaykh of Bahrayn, 22 December 1880 194
89. Anglo-French (Gambetta) Note to the Khedive and Its Immediate Consequences, 8 January-11 February 1882 194
90. Foreign Secretary Granville's Circular Outlining British Policy in Egypt, 3 January 1883 197
91. Convention on Egyptian Affairs: Great Britain and the Ottoman Empire, 24 October 1885 200
92. Convention on Egypt: Great Britain and the Ottoman Empire, 22 May 1887 201
93. Convention on the Free Navigation of the Suez Canal: the European Powers and the Ottoman Empire, 29 October 1888 202
94. Concession of the Tobacco *Régie* in Persia, 8 March 1890 205
95. Russo-Persian Railroad Agreement, 28 October/10 November 1890 207
96. Masqati Nonalienation Bond Given to the United Kingdom, 20 March 1891 208
97. Exclusive Agreement: the Bahrayni Shaykh and Britain, 13 March 1892 209
98. The (Basle) Program of the World Zionist Organization, 29 August 1897 209
99. Agreement Establishing a Condominium in the Sudan: Britain and Egypt, 19 January 1899 210
100. Exclusive Agreement: the Kuwayti Shaykh and Britain, 23 January 1899 218
101. Curzon's Analysis of British Policy and Interests in Persia and the Persian Gulf, 21 September 1899 219
102. William Knox D'Arcy Oil Concession in Persia, 29 May 1901 249
103. The Baghdad Railroad Convention, 5 March 1903 252
104. Declaration on Egypt and Morocco: the United Kingdom and France, 4 April 1904 263
105. Anglo-Russian Convention on Persia, Afghanistan and Tibet, 18/31 August 1907 265
106. Convention (Potsdam) on the Baghdad Railroad and Russian Interests in Persia: Russia and Germany, 6/19 August 1911 267
107. Resolution of the Arab-Syrian Congress at Paris, 21 June 1913 268
108. Anglo-Ottoman Draft Convention on the Persian Gulf Area, 29 July 1913 269
109. The Kuwayti Shaykh's Pledge to Britain Regarding Oil, 27 October 1913 272
110. Draft Agreement on the Baghdad Railroad: the Imperial Ottoman Bank and the Deutsche Bank, 15 February 1914 273

DOC. NO. PAGE
111. Arrangement for the Reorganizing of the Turkish Petroleum Company: by the D'Arcy Group, the Deutsche Bank and the Anglo-Saxon Petroleum Company, 19 March 1914 276
112. Agreement of the British Treasury and Admiralty with the Anglo-Persian Oil Company, 20 May 1914 278
113. Anglo-German Draft Convention on the Baghdad Railroad, 15 June 1914 281
114. Ottoman Promise of a Concession to the Turkish Petroleum Company, 28 June 1914 286
Index 287

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INTRODUCTION

The present work is designed to unfold European diplomacy in and on the Near and Middle East in modern times and, only secondarily, to illustrate the coincident aspects of intraregional international politics. History itself and the state of historical research have largely determined the choice. Behind a commercial façade, European influence in the Near and Middle East grew steadily in the two hundred years and more preceding the Napoleonic wars. Outward signs of imperialism did not accompany the growing European power, even in the second half of the eighteenth century when Persia was falling apart and the Ottoman Empire sinking, for the maritime states of Western Europe were distracted by competitive empire-building elsewhere, notably farther east in Asia and in the Western Hemisphere. European supremacy in the Near and Middle East started with Napoleon's occupation of Egypt in 1798 and lasted a century and a half. Intraregional diplomacy, by comparison, played a minor role throughout most of modern times. International politics among the Near and Middle East states, prior to the mid-eighteenth century, consisted chiefly in the tensions on the ill-defined and shifting Ottoman-Persian frontier. Only in the past decade, with the rapid crumbling of the established European position, have the emergent independent states in the region won increasing liberty in their dealings with one another and with the world outside.

The history of diplomacy in the Near and Middle East has remained substantially undeveloped. Nor are the reasons obscure. The Near and Middle East, which in this work embraces non-Soviet Asia from the Mediterranean to the eastern boundary of Iran plus Egypt and the Sudan in adjoining Africa, is a Western geographic concept. Among peoples of the area itself such titles as "Islamic World," or "Arab East" for the Arab belt, have a more familiar and authentic ring. But even Europeans and Americans have come to view the Near and Middle East as a geographic entity, in the main, only since World War I. Before then, the region was divided into two spheres of European diplomatic activity: (1) the Ottoman Empire; and (2) Persia (as Iran was generally known in the West before 1935), the Persian Gulf area and that substantial part of the Arabian Peninsula that either was never absorbed by the Ottoman Empire or merely came under its temporary sway.

As late as the start of the nineteenth century the Ottoman Empire still claimed, besides Arab Asia (minus most of the Arabian Peninsula) and the

districts presently occupied by Israel and Turkey, a sizable segment of southeastern Europe and most of north Africa. The sultan gradually lost his outlying possessions in the century preceding World War I. The progressive disintegration of the Ottoman Empire provided openings for intervention by the Great Powers and threatened to upset the balance in Europe. What came commonly to be called the Eastern Question was thereby created. On decisions as to who was to get what, there was rarely consensus in Europe. The resulting frictions distracted the foreign ministries on the continent throughout the nineteenth century. The dynamics of the Eastern Question thus lay in Europe.

The dynamics of European political relations in Persia, the Persian Gulf area and most of the Arabian Peninsula, however, originally centered in India. The Portuguese and the Dutch withdrew as contenders in this sphere in the seventeenth century; the French, in the half century following the Seven Years' War (1757-63). With the later integration of the British position in India, the principal international problems arose from England's determination to extend its imperial possessions in the Asian subcontinent—and beyond—and safeguard them against Russia's southward expansion. From the time of Napoleon's abortive plans for the conquest of India via Egypt and later Persia (1798-1807), the Eastern Question began to fuse with the problem of the defense of India. The opening of the Suez Canal in 1869 quickened the process. But not until the peace settlement of World War I did the Near and Middle East, in its current definition, become fixed in Western thinking as a regional unit—but actually having less unity, because of the European-imposed fragmentation, than it had previously enjoyed.

Near and Middle East diplomacy, then, changed its course abruptly at the time of World War I. Before 1914 international politics in and of the region comprised fundamentally the Asian and Egyptian (-Sudanese) phases of the Eastern Question and the Arabian and Persian repercussions of the rivalry over India. Only three Near and Middle East states dealt in diplomacy with the European powers: Persia, the Ottoman Empire and—for part of the nineteenth century—quasi-independent Egypt. As the lesser principalities along the southern and eastern littorals of the Arabian Peninsula were drawn into European politics, they became British "veiled" protectorates. The Masqati shaykh, unlike his neighbors, retained to the end a measure of external sovereignty. Yet after 1891 even he surrendered much of his freedom of diplomacy to the United Kingdom.

World War I and its peace settlement altered the character of international politics in the Near and Middle East. The capitulations in most of the region were denounced or suspended (never to be restored) in the 1920's, and the principal medium of European political intervention vanished. The demise of the Ottoman Empire, in fact, "resolved" the Eastern Question. Yet while Britain and France inherited the political controls, they significantly did not annex Near and Middle East territory outright. Mandates and preferential alliances

were no more than provisional arrangements; and the presence of the Western powers in various guises stimulated the growth of local nationalisms dedicated to the early realization of full sovereignty. The two or three foreign ministries that functioned before 1914 were replaced ultimately by eleven, and international politics and problems inside and outside the region were correspondingly compounded.

A massive literature has accumulated on the old Eastern Question and on the projection, into the Perso-Arabian sphere, of European international politics affecting India. Relatively little systematic research, however, has been undertaken in the Near and Middle East vernaculars, although in the last two or three decades local scholarly interest in the region's diplomatic history has begun to awaken. Still no inclusive diplomatic history of the area, as now understood, has yet appeared in Western or in Near and Middle East languages. Nor has any attempt been made to assemble the basic documentation and to disengage the material on the Near and Middle East from that relating to the Balkans and to India. Even the recent period covered by volume 2 has been comparatively neglected. The archival collections in the West beckon researchers, as do the very rich Ottoman archives in Istanbul and the more modest collections elsewhere in the region, especially those of the late 'Alawi dynasty in Cairo.

The present work, which grew out of a mimeographed compilation prepared in the summer of 1951 for use by students specializing in the area, is therefore experimental. It is not, and does not pretend to be, an exhaustive collection. The Russo-Ottoman treaty of alliance of 23 December 1798/3 January 1799, the treaty of San Stefano of 1878, documentation on the French cession of Alexandretta to Turkey (1936-39) and relevant papers on the Anglo-Sa'udi dispute over the Buraymi frontier (after 1949) have been left out, as have other materials of comparable interest and value.

Documents, with few exceptions, have been reproduced practically in the whole, omitting only preambles, provisions for ratification, signatures of bilateral and multilateral instruments, and sections on geographic districts beyond the borders of the Near and Middle East. In rare instances I have pruned the instruments to the political core, as in the treaties of Sèvres (II, Doc. 31) and Lausanne (II, Doc. 41). Still, in other cases, particularly the Anglo-Ottoman treaty of the Dardanelles of 1809 (I, Doc. 32) and the American-Ottoman treaty of commerce of 1830 (I, Doc. 39), I have reproduced secret clauses that the signatories dropped before the exchange of ratifications, simply because the chosen clauses possessed an historical value of their own. The decision, in principle, to reproduce diplomatic papers at full operative length reduced the number of eligible items for the generous but finite spatial limits of a commercially feasible publication. It also complicated the problem of selectivity.

The author's broad definition of what constitutes a diplomatic document

might not pass muster with foreign service officers. The reader will find in these volumes concessionary contracts, programs of nongovernmental societies, policy statements, edicts, laws, proclamations and parliamentary debates over and above such standard fare as diplomatic correspondence, treaties and analogous international acts. The choice was decided by such criteria as the dictates of space, experience in the classroom and even personal fancy, as well as availability of the papers and of monographic literature that has proved their worth. Still, the last rule was not rigidly pursued, either in recent documents whose long-range import remains to be tested, or even in those of an earlier period. Foreign Secretary Salisbury's revealing instruction of 1879 to the British Agent and Consul General in Cairo (I, Doc. 87), for example, seems to have escaped the dragnet of scholars who processed the rich Public Record Office (London) files on Egypt.

Numerous documents in these two volumes, as far as could be determined, appear in English public print for the first time. The decision to render everything into English was taken on the plea of many readers of the bilingual mimeographed edition for wholly English materials. Indeed, the alternative to a unilingual compilation is in reality a multilingual one. But, aside from the difficulties and costs of production, the reference and training utility of a multilingual collection would have been restricted in this and other English-speaking countries.

Existing translations have been used whenever possible, even though their style may be infelicitous and their accuracy open to some question. On occasion when the text proved error-laden, as in the only English version of the final French-Ottoman capitulation of 1740 that could be located, the item was omitted altogether. It should be stressed, however, that many of the English versions of foreign documents which the Department of State in Washington or the Foreign Office in London prepared, are reference or working translations and must not be construed as official translations, unless so designated.

The introductory comments to the documents are not intended to tell the story in elaborate detail. They merely sketch the significance of each document, call attention at times to related papers that were not reproduced and suggest titles to which the reader might turn for guidance. The bibliographical entries are limited to works in English and Western European languages. They include monographs and general literature and, less frequently, articles in scholarly journals. Where the practice would not produce confusion, short titles have been substituted for longer ones after the first mention or two of a study.

Diplomacy in the Near and Middle East:

A Documentary Record, 1535-1914

1. TREATY OF AMITY AND COMMERCE: THE OTTOMAN EMPIRE AND FRANCE

February 1535

(Renewed and expanded 18 October 1569, July 1581, February 1597, 20 May 1604, 5 June 1673 and in perpetuity 28 May 1740; terminated 6 August 1924)

[U. S., 67th Cong., 1st sess., Senate, Doc. 34, pp. 94–96]

The capitulations refer to a class of commercial treaties which Western powers concluded with Asian and African states and under which Western nationals enjoyed exterritorial privileges. European residents were thus subject to the laws of their home governments and immune from those of their host countries. Among the Near and Middle East lands the system developed most fully in the Ottoman Empire. In the sixteenth century Ottoman merchants imported from the East spices, jewels, silks, and other wares for which the demand was brisk. But apparently they made little, if any, effort to organize trade within Europe itself. European merchants instead came to Ottoman commercial centers in the eastern Mediterranean to purchase these items as wells as goods originating in the Ottoman Empire, exporting them to Europe in European vessels. In encouraging trade with the West, the early sultans thus did not have to seek equal treatment for their own subjects. In treaties concluded in the eighteenth and nineteenth centuries with European powers, the sultans did acquire elements of reciprocity, but the correspondent benefits related to other than exterritorial rights for Ottoman subjects. Despite Ottoman efforts to eliminate the marked inequality, after the mid-nineteenth century—following the progressive adoption of European legal codes—the capitulations continued to regulate relations between the empire and Western countries until the unilateral abrogation of the treaties by the Ottoman Government on 1 October 1914 (II Doc. 2). Although Genoa, Venice, and Florence had obtained earlier capitulations from the Porte, the French treaty of 1535 formed the basis in the Ottoman Empire for the capitulatory regime under which other Western powers later obtained analogous privileges. Until the instrument of 28 May 1740, which Sultan Mahmud I (1730–54) granted in perpetuity in gratitude for the fruitful mediation of the French Ambassador, the Marquis de Villeneuve, at Belgrade in the summer of 1739 (Doc. 18), the capitulations were renewable upon the accession of new sultans. M. Khadduri and H. Liebesny, eds., *Law in the Middle East,* vol. 1, chap. 13 (Liebesny); N. Sousa, *The Capitulatory Regime of Turkey;* E. G. Mears, ed., *Modern Turkey,* chap. 19 (written by G. B. Ravndal); P. M. Brown, *Foreigners in Turkey;* E. Charrière, *Négociations de la France dans le Levant,* vol. 1; and G. Pélissié du Raussas, *Le Régime des capitulations dans l'empire ottoman,* vol. 1; G. Noradounghian, *Recueil d'actes internationaux de l'empire ottoman,* 4 vols.; Count B. L. d'Hauterive and Baron F. de Cussy, *Recueil des traités de commerce et de navigation de la France avec les puissances étrangères, depuis la paix de Westphalie en 1648* (Paris, 1835), part 1, vol. 2, pp. 424–529 (texts of French capitulations); le Comte de Saint-Priest, *Mémoires sur l'ambassade de France en Turquie,* pp. 179–268, 345–537, (biographical sketches of French ambassadors to the Ottoman Empire between 1535–1792 and French capitulations); on French trade with the Ottoman Empire, which in this period the Cham-

ber of Commerce of Marseille conducted as a monopoly, see P. Masson, *Histoire du commerce français dans le Levant au XVII^e siècle* and *Histoire du commerce français dans le Levant au XVIII^e siècle;* F. Charles-Roux, *Les Échelles de Syrie et de Palestine au XVIII^e siècle.*

Be it known to everybody that in the year of Jesus Christ one thousand five hundred and thirty-five, in the month of February, and of Mohammed 941, in the moon of Chaban, Sire Jean de la Forest, privy councilor, and ambassador of the most excellent and most powerful prince Francis, by the grace of God most Christian King of France, accredited to the most powerful and invincible Grand Signior, Sultan Suleiman, Emperor of the Turks, and having discussed with the powerful and magnificent Signior Ibrahim, Serasker of the Sultan, the calamities and disadvantages which are caused by war, and, on the other hand, the good, quiet, and tranquillity derived from peace; and knowing how good it is to prefer the one (peace) to the other (war), each of them guaranteeing the above-mentioned monarchs, their superiors, they have negotiated and agreed upon the following chapters and conventions in the name and on the honor of the said monarchies which are the protectors of their component States and the benefactors of their subjects:

I. They have negotiated, made, and concluded a valid and sure peace and sincere concord in the name of the above Grand Signior and King of France during their lives and for the kingdoms, dominions, provinces, castles, cities, ports, harbors, seas, islands, and all other places they hold and possess at present or may possess in the future, so that all subjects and tributaries of said sovereigns who wish may freely and safely, with their belongings and men, navigate on armed or unarmed ships, travel on land, reside, remain in and return to the ports, cities, and all other places in their respective countries for their trade, and the like shall be done for their merchandise.

II. Likewise, the said subjects and tributaries of the said monarchs shall, respectively, be able to buy, sell, exchange, move, and transport by sea and land from one country to the other all kinds of merchandise not prohibited, by paying only the ordinary customs and ancient dues and taxes, to wit, the Turks, in the dominions of the King, shall pay the same as Frenchmen, and the said Frenchmen in the dominions of the Grand Signior shall pay the same as the Turks, without being obliged to pay any other new tribute, impost, or storage due.

III. Likewise, whenever the King shall send to Constantinople or Pera or other places of this Empire a bailiff—just as at present he has a consul at Alexandria—the said bailiff and consul shall be received and maintained in proper authority so that each one of them may in his locality, and without being hindered by any judge, cadi, soubashi, or other, according to his faith and law, hear, judge, and determine all causes, suits, and differences, both civil and criminal, which might arise between merchants and other subjects of the King. Only in case the orders of the said bailiffs and consuls should not be obeyed and that in order to have them executed they should appeal to the soubashi or other officer of the Grand Signior, the said soubashis or other officers shall lend them the necessary aid and compulsory power. But the cadi or other officers of the Grand Signior may not try any difference between the merchants and subjects of the King, even if the said merchants should request it, and if perchance the said cadis should hear a case their judgment shall be null and void.

IV. Likewise, in a civil case against Turks, tributaries, or other subjects of the Grand Signior, the merchants and subjects of the King can not be summoned, molested, or tried unless the said Turks, tributaries, and subjects of the Grand Signior produce a writing from the hand of the opponent, or a "heudjet" (document) from the cadi, bailiff, or consul, outside of which writing or heudjet no other testimony of a Turk, tributary, or other person shall be valid nor received in any part of the States and dominions of the Grand Signior, and the cadis, soubashis, or other persons may

not hear or try the said subjects of the King without the presence of their dragoman.

V. Likewise, in criminal cases the said merchants and other subjects of the King may not be called before the cadi or other officers of the Grand Signior by Turks, tributaries, or others, and said cadis may not try them, but must immediately refer them to the Sublime Porte (the official residence of the Grand Vizier) and in the absence of the Porte, to the principal lieutenant of the Grand Signior, where the testimony of the subject of the King and of the tributary of the Grand Signior shall be valid one against the other.

VI. Likewise, as regards religion, it has been expressly promised, concluded, and agreed that the said merchants, their agents, and servants, and all other subjects of the King shall never be molested nor tried by the cadis, sandjak-beys, or soubashis, or any person but the Sublime Porte only, and they can not be made or regarded as Turks (Mohammedans) unless they themselves desire it and profess it openly and without violence. They shall have the right to practice their own religion.

VII. Likewise, when one or more subjects of the King, having made a contract with a subject of the Grand Signior, taken merchandise, or incurred debts, afterwards depart from the State of the Grand Signior without giving satisfaction, the bailiff, consul, relatives, factor, nor any other subject of the King shall for this reason be in any way coerced or molested, nor shall the King be held responsible. Only His Majesty shall cause full justice to be done to the plaintiff as regards the person and goods of the debtor if they be found within his Kingdom and dominions.

VIII. Likewise, the said merchants, their agents, and servants, and other subjects of the King, their ships, boats, or other equipments, artillery, ammunition, and mariners shall not be seized, coerced, or used by the Grand Signior or other person against their pleasure and desire for any service or duty either on sea or land.

IX. Likewise, all merchants and subjects of the King in all parts of the Empire of the Grand Signior shall be allowed to freely dispose of their property by testament, and having died either a natural or violent death, all their effects—money as well as other goods—shall be distributed according to the testament; if they die intestate, the effects shall be turned over to the heir or his representative by and with the authority of the bailiff or consul at places where there may be one or the other, and where there is neither bailiff nor consul the said effects shall be protected by the cadi of the locality under authority of the Grand Signior, having first of all made an inventory in the presence of witnesses; but where said bailiff or consul are present no cadi, beitul-maldji, or other person shall take possession of the effects, and if they should be in the hands of one of them and the bailiff or consul should demand them [here a line is apparently missing in the text] they must at once and without contradiction be entirely turned over to the said bailiff or consul or their representative, to be later handed to whom they belong.

X. Likewise as soon as the present treaty shall have been ratified by the Grand Signior and the King, all persons and subjects shall be set free and liberated who may, respectively, be bought slaves, prisoners of war, or otherwise detained, both in the hands of the said sovereigns or of their subjects, galleys, ships, and all other places and countries owing allegiance to the said sovereigns, on the demand and statement of the ambassador, bailiff, or consul of the King, or persons delegated by them; and if any of the said slaves should have changed his faith and religion he shall nevertheless be free. And, especially, henceforth reciprocally neither the Grand Signior nor the King, their captains, soldiers, tributary subjects, or mercenaries, shall or may in any manner, on sea or land, take, buy, sell, or detain as a slave any prisoner of war. But if a pirate or other person of the country of one of the said sovereigns should attempt to capture or destroy the goods or persons owing allegiance to the other sovereign, the sovereign of the country where the malefactor is found must

and should be obliged to punish him as a disturber of the peace and to make an example to others, and also to return to the injured party whatever may be found to have been taken from him by the malefactor. If the said malefactor should escape without being caught and punished at once, he shall be banished from his country with his accomplices, and all their goods shall be confiscated by the sovereign, who shall also cause the malefactor and his companions to be punished if they should ever be in his power; and out of the said confiscation shall be paid the damages, and the injured party shall to that end have recourse to the protectors of the present peace, who shall be the Serasker on the part of the Sultan, and the "grand-maître" of France on the part of the King.

XI. Likewise when the navies of the said Grand Signior and King, respectively, meet vessels of the subjects of the other, they shall be obliged to lower the sails and hoist the flags of their ruler, in order to be recognized thereby and not be detained or otherwise molested by said navy or any unit thereof; but if any wrong or damage be inflicted upon them, the ruler to whom the navy belongs shall be obliged to make immediate reparation. When private ships of the subjects of said rulers meet they shall each hoist the flag of its ruler, salute each other by firing one gun, and reply truthfully when asked who they are. But after having spoken and recognized each other one shall not forcibly enter or visit the other, nor hinder it under any pretext whatsoever.

XII. Likewise when a vessel belonging to subjects of the King arrives, by accident or otherwise, in the ports or on the coasts of the Grand Signior, it shall receive food and other necessaries against a reasonable payment, without being obliged to discharge and pay duties, and it shall be allowed to go wherever it pleases; and having come to Constantinople, it shall be ready to leave after having obtained and paid for the heudjet (permit) of the emin (official), and having been searched and visited by the said emin, they must not be visited at any other place, except the castles of the straits of Gallipoli, without, however, paying anything there or elsewhere, in the name of the Grand Signior or his officers, for the departure.

XIII. Likewise if any ship belonging to the subjects of one of the said sovereigns should, by accident or otherwise, suffer shipwreck within the dominions and the jurisdiction of the other sovereign all persons escaping from such danger shall remain free and be allowed to collect all their belongings; if all should have died in the shipwreck the goods which shall have been saved shall be consigned to the said bailiff, or consul, or their representative, to be returned to whom they may belong; and the captain general of the sea, the sandjak-bey, soubashi, cadi, or other officer or subject of the Grand Signior shall not, under penalty of punishment, take or claim anything, and they must give facilities and assistance to those who shall be charged with the recovery of the goods.

XIV. Likewise if a subject of the Grand Signior should lose a slave who has escaped, such subject, claiming that the slave had lived and served on a ship or in a house of a subject of the King, can not force the subject of the King to do anything but search his ship or house, and if the slave should be found there, the person who received him should be duly punished by his bailiff or consul and the slave returned to his master. If the slave was neither in their ship nor in their house, said subjects of the King shall not and can not be molested in this connection.

XV. No subject of the King who shall not have resided for 10 full continuous years in the dominions of the Grand Signior shall or can be forced to pay tribute, Kharadj, Avari, Khassabiye, nor to guard neighboring land, storehouses of the Grand Signior, work in an arsenal, nor perform any other forced service. In the dominions of the King reciprocal rights shall be granted to the subjects of the Grand Signior.

The King of France has proposed that His Holiness the Pope, the King of England, his brother and perpetual ally, and the King of Scotland should be entitled to

adhere to his treaty of peace, if they please, on condition that when desirous of doing so they shall within eight months from date send their ratifications to the Grand Signior and obtain his.

XVI. Likewise the Grand Signior and the King of France shall within six months exchange the confirmation of the present treaty in valid and due form, with the promise to observe it, and the order to all their lieutenants, judges, officers, and subjects to observe it without bad faith and in all its points; and in order that nobody should plead ignorance, this treaty, after the confirmations have been exchanged, shall be published at Constantinople, Alexandria, Marseille, Narbonne, and other principal cities and ports of the jurisdiction, kingdoms, and states of the said sovereigns.

2. TRADING PRIVILEGES GRANTED TO ANTHONY JENKINSON BY SULTAN SÜLEYMAN I

1553

[E. D. Morgan and C. H. Coote, eds., *Early Voyages and Travels to Russia and Persia by Anthony Jenkinson and other Englishmen* (London, for the Hakluyt Society, 1886), vol. 1, pp. 5–6]

English ships began to make their way to Ottoman ports in the first half of the sixteenth century, but no factories (permanent merchant colonies) were established. Anthony Jenkinson, an enterprising English merchant, procured for himself and accredited representatives—in an audience at Aleppo with Sultan Süleyman I (1520–66) then preparing for battle against Persia—freedom to trade throughout the Ottoman Empire on the same basis as the French and the Venetians. Jenkinson and his associates were allowed to bring their wares to Ottoman ports on English bottoms but, once within the area of Ottoman jurisdiction, they were to travel and traffic under the French flag. No advantage was taken of the sultan's grant, and organized English commerce with the Ottoman Empire did not begin until three decades later. Sir W. Foster, *England's Quest of Eastern Trade,* chap. 2; A. L. Horniker, "William Harborne and the Beginning of Anglo-Turkish Diplomatic and Commercial Relations," *Journal of Modern History,* 14 (1942), 289–316.

Sultan Solyman, etc., to all Viceroyes, Saniaques, Caditz, and other our Justicers, Officers, and Subiects of *Tripolis* in *Syria, Constantinople, Alexandria* in *Egypt*, and of all other Townes and Cities vnder our Dominion and iurisdiction: we will and commaund you, that when you shall see *Anthony Ienkinson,* bearer of these present letters, marchant of London in England, or his factor, or any other, bearing the said letters for him, arriue in our ports and hauens, with his shippe or shippes, or other vessels whatsoeuer, that you suffer him to lade or vnlade his marchandise wheresoeuer it shal seeme good vnto him, traffiking for him selfe in all our countries and dominions, without hindring or any way disturbing of him, his shippe, his people, or marchandise, and without enforcing him to pay any other custome or tol whatsoeuer, in any sorte, or to any persons whatsoeuer they be, saue only our ordinary duties, contayned in our custome houses, which when he hath paide, we will that he be franke, and free, as well for himselfe, as for his people, marchandise, shippe, or shippes, and all other vessels whatsoeuer, and in so doing that he may trafficke, bargaine, sell, and buy, lade, and vnlade, in all our foresaide Countries, landes, and dominions, in like sorte and with the like liberties and priuiledges as the Frenchmen and Venetians vse, and inioy, and more if it be possible, without the hinderance or impeachment of any man. And furthermore, we charge and commaunde all Viceroyes and Consuls of the French nation, and of the Venetians, and all other Consuls resident in our Countreys, in what port or prouince soeuer they be, not to constraine, or cause to constraine by them, or the sayde Ministers and Officers whatsoeuer they be, the saide *Anthony Ienkinson,* or his factor, or his

seruants, or deputies, or his marchandise, to pay any kinde of consullage, or other right whatsoeuer, or to intermeddle or hinder his affaires, and not to molest nor trouble him any manner of way, because our will and pleasure is, that he shall not pay in all our Countries, any other then our ordinarie custome. And in case any man hinder and impeach him aboue and besides these our present letters, we charge you most expressly to defende and assist him against the sayde Consuls; and if they will not obey our present commaundement, that you aduertise vs thereof, that we may take such order for the same, that others may take example thereby. Moreouer, wee commaunde all our Captaines of our Gallies, and their Lieutenants, be they Foystes[1] or other vessels, that when they shall finde the sayde *Ienkinson,* or his factor, his shippe or shippes, with his seruants, and marchandise, that they hurt him not, neyther in bodie nor goods, but that rather they assist and defend him against all such as seeke to doe him wrong, and that they ayde and helpe him with victuals, according to his want, and that whosoeuer shall see these presents, obey the same, as they will auoide the penaltie in doing the contrarie: Made in *Aleppo* of *Syria,* the yeere 961. of our holy Prophet *Mahomet,* in the yeere of Jesus 1553, signed with the scepter and signet of the Grand *Signior,* with his owne proper hande.

3. COMMERCIAL PRIVILEGES ISSUED TO THE (ENGLISH) MUSCOVY COMPANY BY SHAH TAHMASP OF PERSIA
1566–68

[E. D. Morgan and C. H. Coote, eds., *Early Voyages,* vol. 2, pp. 403–04, 418–20]

The Muscovy Company, as a by-product of the search for the Northeast Passage, launched English commerce with Persia in a series of six trading expeditions via Russia between 1562 and 1581. The attraction of Persia to English merchants lay in its silk produced in the provinces along the southern Caspian shores and in transit rights for possible commerce with "India, or other countryes thereunto adjoyning." The Muscovy Company, with whom Anthony Jenkinson was associated, received from Shah Tahmasp (1524–76) a *farman* (royal decree), stipulating commercial privileges to Englishmen, including freedom of transit and exemption from customs and tolls. The shah amplified the rights two years later. Because of attendant hazards, the attempts to open up trade with Persia by way of Russia were abandoned after 1581. Sir W. Foster, *England's Quest of Eastern Trade,* chaps. 2–3; Morgan and Coote, *op. cit.,* 2 vols.; G. N. Curzon, *Persia and the Persian Question,* vol. 2, pp. 532–36; E. V. Vaughn, "English Trading Expeditions into Asia under the authority of the Muscovy Company (1575–1581)," *Studies in the History of English Commerce in the Tudor Period,* part 2, pp. 127–214.

1. DECREE OF 1566

1. It is granted that you shall pay no manner of Customes or tolles any kind of wayes now, nor in time comming vnto his heires after him; and that all English marchants, such as you shall appoint nowe and hereafter, shall and may passe and repasse into all places of his dominions and other Countreyes adioyning in the trade of marchandise, to buy and sell all manner of commodities, with all manner of persons.

2. Item, that in all places where any of our Marchants shall haue their resort or abiding, his chiefe Gouernours, Rulers, and Iustices shall take heede vnto vs, being our aide and defence against all euill persons, punishing those that shall doe vs any wrong.

3. Item, that for all such debts as shall be owing by any manner of person, iustice shall be done on the partie, and we paid at the day.

4. Item, that no manner of person, of whatsoeuer estate or degree they be of, shall be so hardie as to take any kind of wares, or any guifts, without any leaue and good will.

5. Item, if by chance medley any of our Marchants or seruants, as God forbid, should kill any of his subiects, that no part

[1] Foist, a vessel with oars, smaller than a galley.

of your goods shall be touched or medled withall, neither any partie but the offendour, and true iustice to be ministred; and being any of vs, not to suffer without the Princes knowledge and aduise.

6. Item, that all such debts as are nowe owing, or hereafter shall be, are to be paide vnto any of vs, in the absence of the other, be the partie dead or aliue.

7. Item, that no person returne any kinde of wares backe againe being once bought or solde.

8. Item, that when God shall send your goods to shoare, presently his people shall helpe vs a land with them.[1]. . .

2. DECREE OF 1568

10. Item, that the merchants haue free libertie, as in their first priuiledge, to goe into *Gillan* and all other places of his dominions, now or hereafter when occasion shall be giuen.

11. Item, if by misfortune any of their ships should breake or fall upon any part of his dominions on the seacoast, his subiects to helpe with all speed to save the goods, and to be deliuered to any of the said merchaunts that liueth; or otherwise to be kept in safetie vntil any of them come to demaund them.

12. Item, if any of the said merchants depart this life in any citie or towne, or on the high way, his gouernours there to see their goods safely kept, and to bee deliuered to any other of them that shall demaund them.

13. Item, the said merchants to take such camell men as they themselves will, being countrey people, and that no *Kissell Bash* doe let or hinder them. And the said owners of the camels to bee bound to answere them such goods as they shall receiue at their hands, and the camell men to stand to the losses of their camels or horses.

14. Item more, that the said carriers do demaund no more of them then their agreement was to pay them.

15. Item more, if they be at a price with any carriers and haue giuen earnest, the Camel men to see they keepe their promise.

16. Item, if any of the said merchants be in feare to trauell, to give them one or more to goe with them and see them in safetie with their goods to the place they will goe vnto.

17. Item, in all places, to say in all cities, townes, or villages on the high way, his subiects to giue them honest roume and vitails for their money.

18. Item, the sayd merchants may, in any place where they shall thinke best, build or buy any house or houses to their owne vses. And no person to molest or trouble them, and to stand in any Carauan where they will or shall think good.

4. TREATY OF COMMERCE: THE OTTOMAN EMPIRE AND ENGLAND
June 1580

(Ratified, Istanbul, 3 May 1583; renewed and expanded in 1603)

[Richard Hakluyt, *The Principal Navigations Voyages Traffiques & Discoveries of the English Nation* (Glasgow, 1904), vol. 5, pp. 183–89]

Article 15 of the French capitulation of 1535 (Doc. 1) invited the King of England to exchange ratifications with the sultan within eight months of the signing of the instrument. The offer was not accepted. English traders in the Ottoman Empire were required to conduct business under the French flag, even though Anthony Jenkinson had obtained his special privileges in 1553 (Doc. 2). Not until the late 1570's, when a number of London merchants became interested in forming a chartered company with a monopoly of English-Ottoman commerce, were efforts made to acquire capitulatory privileges for England equal to those of France. The negotiation (1577–80) of the first capitulatory treaty between the two governments produced loud cries at the Ottoman Court from France, which resented the prospective loss of its preferential position. H. G. Rawlinson, "The Embassy of William Harborne to Constantinople, 1583–8," *Transactions*

[1] Article 9 was not reproduced by Morgan and Coote.

of the Royal Historical Society, 4th ser., 5 (1922), 1–27; A. L. Horniker, "William Harborne and the Beginning of Anglo-Turkish Diplomatic and Commercial Relations," *Journal of Modern History,* 14 (1942), 289–316; A. C. Wood, *A History of the Levant Company,* chap. 1; C. Read, *Mr. Secretary Walsingham and the Policy of Queen Elizabeth,* vol. 3, pp. 225–30, 326–32; *Calendar of State Papers, Venetian, 1581–91,* Introd., pp. xxix-xlvi; E. Pears, "The Spanish Armada and the Ottoman Porte," *English Historical Review,* 8 (1893), 439–66.

1 Our Imperiall commandement and pleasure is, that the people and subjects of the same Queene, may safely and securely come to our princely dominions, with their goods and marchandise, and ladings, and other commodities by sea, in great and smal vessels, and by land with their carriages and cattels, and that no man shall hurt them, but they may buy and sell without any hinderance, and observe the customes and orders of their owne countrey.

2 Item, if the aforesaid people and marchants shalbe at anytime in the course of their journeis and dealings by any meanes taken, they shall be delivered and inlarged, without any excuse or cavillation.

3 Item, if their ships purpose to arive in any of our ports and havens, it shalbe lawfull for them so to do in peace, and from thence againe to depart, without any let or impediment.

4 Item, if it shall happen that any of their ships in tempestuous weather shall bee in danger of losse and perishing, and thereupon shall stand in need of our helpe, we will, and commaund that our men and ships be ready to helpe and succour them.

5 Item, if they shalbe willing to buy any victuals for their money, no person shall withstande them, but they shall buy the same without any disturbance to the contrary.

6 Item, if by any casualtie their shippes shall bee driven on shoare in perill of shipwracke, our Begs and Judges, and other our Subjects shall succour them, and such wares, and goods of theirs as shall bee recovered from the losse, shall bee restored to them, and no man shall wrong them.

7 Item, if the people of the aforesayd Queene, their interpreters and marchants, shall for trafique sake, either by lande or Sea repaire to our dominions paying our lawfull toll and custome, they shall have quiet passage, and none of our Captaines or governours of the Sea, and shippes, nor any kinde of persons, shall either in their bodies, or in their goods and cattels, any way molest them.

8 Item, if any Englishman shall grow in debt, and so owe money to any other man, and thereupon doth absent himselfe that he can not be found, let no man be arrested or apprehended for any other mans debt, except he be the surety.

9 Item, if any Englishman shall make his will and testament, to whom soever by the same hee shall give his goods, the partie shall have them accordingly, and if hee die intestate, hee to whom the Consull or governour of the societie shall say the goods of the dead are to bee given, hee shall have the same.

10 Item, if the Englishmen or the marchants and interpreters of any places under the jurisdiction of England shall happen in the buying and selling of wares, by promises or otherwise to come in controversie, let them go to the Judge, and cause the matter to be entred into a booke, and if they wil, let them also take letters of the Judge testifying the same, that men may see the booke and letters, whatsoever thing shall happen, and that according to the tenour thereof the matter in controversie and in doubt may be ended: but if such things be neither entred in booke, nor yet the persons have taken letters of the Judge, yet he shall admit no false witnesse, but shall execute the Law according to justice, and shall not suffer them to be abused.

11 Item, if any man shall say, that these being Christians have spoken any thing to the derogation of our holy faith and religion, and have slandered the same, in this matter as in all others, let no false witnesses in any case be admitted.

12 Item, if any one of them shall commit any great crime, and flying thereupon cannot bee found, let no man be arrested,

or detained for another mans fact, except he be his suretie.

13 Item, if any slave shall be found to be an Englishman, and their Consull or governour shall sue for his libertie, let the same slave be diligently examined, and if hee be found in deed to be English, let him be discharged and restored to the Englishmen.

14 Item, if any Englishman shall come hither either to dwel or trafique, whether hee be married or unmarried, he shall pay no polle or head money.

15 Item, if either in Alexandria, Damasco, Samos, Tunis, Tripolis in ye west, the port townes of Ægypt, or in any other places, they purpose to choose to themselves Consuls or governours, let them doe so, and if they will alter them at any time, and in the roome of the former Consuls place others, let them do so also, and no man shall restraine them.

16 Item, if their interpreter shalbe at any time absent, being occupied in other serious matters, let the thing then in question bee stayed and differred till his comming, and in the meane time no man shall trouble them.

17 Item, if any variance or controversie shall arise among the Englishmen, and thereupon they shall appeale to their Consuls or governours, let no man molest them, but let them freely doe so, that the controversie begunne may be finished according to their owne customes.

18 Item, if after the time and date of this privilege, any pirats or other free governours of ships trading the Sea shall take any Englishman, and shall make sale of him, either beyonde the Sea, or on this side of the Sea, the matter shalbe examined according to justice, and if the partie shalbe found to be English, and shall receive the holy religion, then let him freely be discharged, but if he wil still remaine a Christian, let him then be restored to the Englishmen, and the buyers shall demaund their money againe of them who solde the man.

19 Item, if the ships of warre of our Imperiall highnesse shal at any time goe forth to Sea, and shall finde any English ships laden with marchandise, no man shall hinder them, but rather shall use them friendly, and doe them no wrong, even as wee have given and granted articles, and privileges to the French, Venetians, and other Kings and princes our confederats, so also wee have given the like to the English: and contrary to this our divine lawe and privilege, let no man presume to doe any thing.

20 Item, if either their great or small ships shall in the course of their voyage, or in any place to which they come, bee stayed or arrested, let no man continue the same arrest, but rather helpe and assist them.

21 Item, if any theeves and robbers shall by force take away any of their ships, and marchandise, let the same theeves and robbers be sought, and searched for with all diligence, and let them be punished most severely.

22 Last of all the Beglerbegs, and Zanziacbegs, our Captaines, our slaves and servants of Captaines using the sea, and our Judges, customers and governours of ships called Reiz, and free Reiz, all these, according to the tenor of this privilege and articles, shalbe bound to doe accordingly: and, as long as the Queene of England on her part shall duely keepe and observe this league and holy peace, expressed in this privilege, we also for our Imperial part, do charge and commaund the same so long to be straightly kept and observed.

5. FIRST CHARTER OF THE (ENGLISH) LEVANT COMPANY
11 September 1581

[Richard Hakluyt, *Principal Navigations* (Glasgow, 1904), vol. 5, pp. 192–202]

The creation of the Levant Company in 1581 inaugurated English commerce with the Ottoman Empire on a sustained basis. For more than two centuries, all English consular and diplomatic officials in the sultan's domains were employees of the company. Thus, by extension, the company was charged with supervising the execution of the English capitula-

tions. Despite the monopoly, the company's commercial fortunes fluctuated during its long history, being exceeded in the mid-seventeenth century by Dutch merchants and throughout most of the eighteenth by the French, the latter representing the Chamber of Commerce of Marseilles. By the time the Levant Company forged far ahead of its closest competitors in the early nineteenth century, laissez-faire principles had come to dominate English foreign trade, so that the company was finally dissolved by act of Parliament in 1825 (Doc. 37). Of the later renewals of the Levant Company's charter, that of 14 December 1605 was the most significant, since it survived with only slight modification until the company's demise in 1825. The full text of the 1605 instrument appears in M. Epstein, *The Early History of the Levant Company*, pp. 153–210. A. C. Wood, *History of the Levant Company;* Sir W. Foster, ed., *The Travels of John Sanderson in the Levant, 1584–1602;* H. G. Rosedale, ed., *Queen Elizabeth and the Levant Company* (documents); A. L. Horniker, "Anglo-French Rivalry in the Levant from 1583 to 1612," *Journal of Modern History,* 18 (1946), 289–305; A. L. Rowland, "England and Turkey: The Rise of Diplomatic and Commercial Relations," *Studies in English Commerce and Exploration in the Reign of Elizabeth,* part 1, H. G. Rawlinson, "The Embassy of William Harborne to Constantinople, 1583–8," *Transactions of Royal Historical Society* (London), 4th ser., 5 (1922), 1–27; W. R. Scott, *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720,* vol. 2, pp. 83–88.

Elizabeth by the grace of God Queene of England, France and Ireland, defender of the faith, &c. To all our Officers, ministers, and Subjects, and to all other people as well within this our Realme of England, as else where under our obeysance, jurisdiction, or otherwise, unto whom these our letters shall be seene, shewed or read, greeting. Where are welbeloved Subjects Edward Osborne Alderman of our Citie of London, and Richard Staper of our sayde City Marchant, have by great adventure and industrie, with their great costes and charges, by the space of sundry late yeeres, travailed, and caused travaile to bee taken, as well by secret and good means, as by dangerous ways and passages both by lande and Sea, to finde out and set open a trade of Marchandize and trafique into the Lands, Islands, dominions, and territories of the great Turke, commonly called the Grand Signior, not heretofore in the memory of any man nowe living knowen to be commonly used and frequented by way of marchandise, by any of the Marchants or any Subjects of us, or our progenitours; and also have by their like good meanes and industrie, and great charges procured of the sayde Grand Signior (in our name,) amitie, safetie, and freedome, for trade and trafique of Marchandise to bee used, and continued by our Subjects within his sayde Dominions, whereby there is good and apparant hope and likelyhoode both that many good offices may bee done for the peace of Christendome, and reliefe of many Christians that bee or may happen to bee in thraldome or necessitie under the sayde Grand Signior, his vassals or Subjects, and also good and profitable vent and utterance may be had of the commodities of our Realme, and sundry other great benefites to the advancement of our honour, and dignitie Royall, the increase of the revenues of our Crowne, and generall wealth of our Realme: Knowe ye, that hereupon wee greatly tendering the wealth of our people, and the incouragement of our Subjects in their good enterprises for the advancement of the Common weale, have of our speciall grace, certaine knowledge and meere motion, given and graunted, and by these presents for us, our heires and successours, doe give and graunt unto our sayd trustie, and welbeloved Subjects Edward Osborne, and unto Thomas Smith of London Esquier, Richard Staper, and William Garret of London Marchants, their executors, and administrators, and to the executours and administratours of them, and of every of them, that they, and every of them, and such other person and persons Englishmen borne, not exceeding the number of twelve, as they the sayde Edward, and Richard shall appoint, nominate, or admit to be parteners, adventurers, or doers with them the sayde Edward, Thomas, Richard and William, in their societie by themselves, their servants, Factours or deputies, and to such others as shall bee nominated according to the tenour of these

our letters Patents, shall and may during the terme of seven yeeres from the date of these Patents, freely trade, trafique, and use feates of Marchandise into, and from the dominions of the sayde Grand Signior, and every of them, in such order, and maner, forme, liberties and condition to all intents and purposes as shalbe betweene them limitted and agreed, and not otherwise, without any molestation, impeachment, or disturbance, any Lawe, statute, usage, diversitie of religion or faith, or other cause or matter whatsoever to the contrary notwithstanding.

And that it shalbe lawful to the said Edward and Richard their executors and administrators, (during the said terme) to appoint or admit to be parteners and adventurers with them the sayde Edward, Thomas, Richard and William, such persons not exceeding the number of twelve (as afore is said) to trafique and use the said trade & feate of marchandise according to our saide graunt. And that all and every such person and persons, as shall hereafter fortune to bee appointed or admitted as parteners in the said trade or trafique according to these our letters patents, shall and may from the time of such appointment or admittance, have and enjoy the freedome and libertie of the said trade and trafique, during the residue of the said terme of seven yeeres, according to such limitation and agreement as is aforesaide, and that it shall and may be lawfull to and for the saide Edward, Thomas, Richard and William, their executours and administratours, servants, factours and deputies, and all such as shall be so appointed, nominated or admitted, to bee parteners or adventurers in the saide trade, or so many of them as can and will, to assemble themselves for or about any the matters, causes, affaires or businesse of the saide trade in any place or places for the same convenient, from time to time during the said terme of 7. yeres, within our dominions or elsewhere, and to make, ordeine, and constitute reasonble lawes and ordinances, for the good government of the said Company, and for the better advancement and continuance of the said trade and trafique, not being contrary or repugnant to the lawes, estatutes or customes of our Realme, and the same lawes or ordinances so made to put in use, and execute accordingly, and at their pleasures to revoke the same lawes and ordinances, or any of them, as occasion shall require.

And in consideration that the said Edward Osborne hath bene the principall setter foorth and doer in the opening, & putting in ure of the said trade, we do therfore especially ordeine, constitute, and provide by these patents, that the saide Edward Osborne shall be governour of all such as by vertue of these our letters patents, shall be parteners, adventurers, or trafiquers in the said trade, during the said terme of seven yeeres, if hee so long live: And that if the said Edward shall happen to decease during the saide terme, the saide Richard Staper then living, then the sayd Richard Staper shall likewise be governour during the residue of the said terme (if he so long live) and that if the said Edward and Richard shall both happen to decease during the said terme, then the partners or adventurers for the time being, or the greatest part of them, shall from time to time as necessitie shall require, choose and elect a governour of the said Company.

Provided alwayes, that if there shall happen any great or urgent occasion to remoove or displace any person that shall be governour of the saide fellowship, that then it shall, and may be lawfull for us, our heires and successours, to remoove, and displace every such governour, and to place another of the said fellowship in the same office, during such time as such person should have enjoyed the same, according to this our graunt, if there had bene no cause to the contrary.

And we further for us, our heires, and successors, of our especiall grace, certaine knowledge, and meere motion, do graunt to the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret, their executors and administrators, that nothing shall bee done to be of force or validitie touching the sayde trade or trafique, or the exercise thereof, without or against the consent of the said Edward, during such time

as hee shall bee Governour as afore is saide. And after that time without the consent of the Governour for the time being, and the more part of the said Company.

And further, wee of our more ample and abundant grace, meere motion and certaine knowledge, have graunted, and by these patents for us, our heires and successors, doe graunt to the saide Edward, Thomas, Richard and William, their executors and administrators, that they, the saide Edward, Thomas, Richard and William, their executors and administrators, and the said person and persons, by them the said Edward and Richard to be nominated, or appointed as afore is said, together, with such two other persons, as wee our heires or successors from time to time during the sayd term shall nominate, shall have the whole trade and trafique, and the whole entire onely libertie, use and privilege of trading, and trafiquing, and using feate of marchandise, into, and from the said dominions of the said Grand Signior, and every of them. And when there shall be no such persons so nominated or appointed by us, our heires or successors, that then the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret, their executors and administrators, and such persons by them so to be appointed, shall have the saide whole trade and trafique, and the whole entire, and onely libertie, use, and privilege of trading and trafiquing aforesaid. And that they the said Edward, Thomas, Richard and William, their executors & administrators, and also al such as shal so be nominated or appointed to be partners or adventurers in the said trade, according to such agreement as is abovesaid, and every of them, their servants, factors and deputies, shal have ful and free authoritie, libertie, facultie, licence and power to trade and trafique into and from all and every the saide dominions of the saide Grand Signior, and into, and from all places where, by occasion of the said trade, they shall happen to arrive or come, whether they be Christians, Turkes, Gentiles or other, and into, and from all Seas, rivers, ports, regions, territories, dominions, coastes and places with their ships, barks, pinnesses and other vessels, and with such mariners and men, as they will lead with them or send for the said trade, as they shall thinke good at their owne proper cost and expenses, any law, statute, usage, or matter whatsoever to the contrary notwithstanding. And that it shalbe lawful for the said Edward, Thomas, Richard and William, and to the persons aforesaid, and to and for the mariners and seamen to bee used and employed in the said trade and voyage to set and place in the tops of their ships and other vessels the armes of England with the red crosse over the same, as heretofore they have used the red crosse, any matter or thing to the contrary notwithstanding.

And we of our further royal favor, and of our especiall grace, certaine knowledge and meere motion have graunted, and by these presents doe graunt to the said Edward Osburne, Thomas Smith, Richard Staper, and William Garret, their executors and administrators by these presents, that the said lands, territories, and dominions of the said Grand Signior, or any of them, shall not be visited, frequented, nor haunted by way of marchandise by any other our subjects during the said terme, contrary to the true meaning of these patents.

And by vertue of our high prerogative royall (which wee will not have argued or brought in question) we straightly charge and commaund, and prohibite for us, our heires, and successours, all our subjects (of what degree or qualitie soever they be) that none of them directly, or indirectly, do visite, haunt, frequent or trade, trafique, or adventure by way of marchandise into, or from any of the Dominions of the sayde Grand Signior, or other places abovesayde by water or by lande (other then the said Edward, Thomas, Richard and William, their executours or administrators, or such as shalbe admitted, and nominated as is aforesaide) without expresse licence, agreement, and consent of the said Governour, and company or the more part of them, whereof the said Governour alwayes to be one, upon paine of our high indignation, and of forfeiture and losse, as well as of the ship and shippes, with the furniture thereof, as also of the goods, marchandizes, and

things whatsoever they be of those our Subjects which shall attempt, or presume to saile, trafique, or adventure, to or from any the dominions, or places abovesaid, contrary to the prohibition aforesaid: the one halfe of the same forfeiture to be to the use of us, our heires & successors, and the other halfe to the use of the said Edward, Thomas, Richard and William, and the said companie, and further to suffer imprisonment during our pleasure, and such other punishment as to us, for so high contempt, shal seeme meete and convenient.

And further of our grace speciall, certaine knowledge, and meere motion we have condescended and graunted, and by these patents for us our heires and successors, doe condescend and grant to the said Edward, Thomas, Richard & William, their executors and administrators, that we our heires & successors during the said terme, will not grant liberty, licence or power to any person or persons whatsoever, contrary to the tenor of these our letters patents, to saile, passe, trade, or trafique into or from the said dominions of the said Grand Signior or any of them, without the consent of the said Edward, Thomas, Richard & William, and such as shalbe named or appointed as afore is said, or the most of them. And that if at any time hereafter during the said terme, ye said Edward, Thomas, Richard and William, or the survivors of them, shal admit or nominate any of our subjects to be partners & adventurers in the said trade to the number of 12. or under as afore is said, that then we our heires and successors at the instance and petition of the said Edward, Thomas, Richard and William, or the survivors of them in our Chauncerie to be made, and upon the sight of these presents, will grant and make to the said Edward, Thomas, Richard and William, or to the survivors of them, and to such persons as so shall be nominated or appointed by their speciall names, surnames, & additions as is aforesaid, new letters patents under the great seale of England in due forme of law with like agreement, clauses, prohibitions, provisoes and articles (mutatis mutandis) as in these our letters patents are conteined, for, and during the residue of the said terme of seven yeres then remaining unexpired. And that the sight of these presents shalbe sufficient warrant to the Lord Chancellour, or Lord keeper of the great seale for the time being, for the making, sealing and passing of such new letters patents, without further writ or warrant for the same to be required, had, or obtained.

And the said Edward Osburne, Thomas Smith, and Richard Staper, and William Garret and such others as shalbe so nominated and appointed, as is aforesaid, to be of their trade or companie, shall yeerely during 6. of the last yeres of the said 7. yeres, lade out of this our Realme, and bring home yeerely, for, and in the feate and trade of marchandizing aforesaid, so much goods and marchandizes, as the custome, and subsidie inwards and outwards, shall amount in the whole to the summe of 500. li. yeerely. So that the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret and the said persons so to be nominated as is aforesaid, or any of them, or their ship or shippes be not barred, stayed, restrained or let by any reasonable occasion from the sayde trade or trafique, and so that the said ship or ships do not perish by any misfortune, or bee spoyled by the way in their voyage.

And further, the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret, and such others as shall be appointed as aforesaide to be of their saide trade or Company, shall give notice unto the Lord Admirall of England, or to some of the principall officers of the Admiraltie for the time being, of such ship or shippes as they shall set foorth in the same voyage, and of the number of Mariners appointed to goe in the same ship or shippes, by the space of fifteene dayes before the setting or going foorth of the same ship or shippes. And also the said Edward Osborne, Thomas Smith, Richard Staper and William Garret, and such other as shall be by them the saide Edward and Richard, nominated to be of the said trade, shall and will at the setting foorth of their ship, or shippes, for the same voyage, permit and suffer the Master of the Ordinance of us, our heires and successors, or some others, our or their prin-

cipall officers of the Ordinance, to take a view of the number and quantitie of such Ordinance, powder, and munition as shall be caried in the said ship, or shippes, and shall also at the returne of the same ship, or shippes, suffer a view to be taken, and upon request made, make an accompt to the saide officers of our Ordinance, of the expenses, and wastes of the said Ordinance, powder, and munition, so to bee caried in the same ship, or shippes.

Provided alwayes, that if any of the said trade or Company, or their servants, factors, or sailers, in any ship by them laden, shall commit any piracie or outrage upon the seas, and that, if the said Company or societie shall not, or do not, within reasonable time, after complaint made, or notice given to the said Company, or to any of them, either satisfie or recompense the parties that so shall fortune to be robbed, or spoiled by any of the said Company, or sailers, in the said ships, or els shall not do their endevour to the uttermost of their reasonable power, to have the parties so offending punished for the same their offences, that then, and from thencefoorth, these present letters patents shall be utterly voyd, cease, and determine.

Provided likewise, that if it shall hereafter appeare unto us, our heires, or successors, that this grant, or the continuance thereof in the whole, or in any part thereof, shall not be profitable to us, our heires, our successors, or to this our Realme, that then, and from thencefoorth, upon, and after one full yeeres warning, to be given unto the said Company, or to the Governour thereof, by us, our heires, or successors, this present grant shall cease, be voyd, and determine, to all intents, constructions, and purposes.

Provided also, that we, our heires and successors, from time to time, during the said 7. yeeres, may lawfully nominate, appoint, and authorise two persons, being fit men, to be of the saide company, and for want or lacke of them, two others to be adventurers in the said trade, for such stocke and summe of money, as they shall put in, so that the said persons to bee nominated, or authorised, shall be contributorie to all charges of the said trade & adventure indifferently, according to their stockes: and as other adventurers of the said trade shall doe for their stockes, and so that likewise they doe observe the orders of the said Company, allowable by this our graunt, and that such persons so to be appointed by us, our heires or successors, shall, and may, with the saide Company, and fellowship, use the trade and feate of marchandise aforesaide, and all the liberties and privileges herein before granted, according to the meaning of these our letters patents, any thing in these our letters patents contained to the contrary notwithstanding.

And further of our speciall grace, certaine knowledge, and meere motion, we have condescended and granted, and by these presents for us, our heires and successors, doe condescend, and grant to the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret, their executors, and administrators, that if at the ende of the said terme of seven yeeres, it shall seeme meete, and convenient unto the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret, or the surviver of them, that this present grant shall be continued: and if that also it shall appeare unto us, our heires, or successors, that the continuance thereof shall not be prejudiciall, or hurtfull to this our Realme, that then we, our heires, or successors, at the instance and petition of the said Edward Osborne, Thomas Smith, Richard Staper, and William Garret, or the surviver of them, to be made to us, our heires, or successors, wil grant and make to the said Edward, Thomas, Richard and William, or the surviver of them, and to such other persons, as so shal be by the said Edward and Richard nominated and appointed, new letters patents, under the great seale of England, in due forme of lawe, with like covenants, grants, clauses, and articles, as in these presents, are contained, or with addition of other necessary articles, or change of these, in some part, for and during the full terme of seven yeeres then next following. Willing, and straightly commanding, and charging all and singuler our Admirals, Viceadmirals, Justices, Maiors, Sheriffes,

Escheaters, Constables, Bailiffes, and all and singuler our other officers, ministers, liege men, and subjects whatsoever, to be aiding, favouring, helping, and assisting unto the said Governour, and company, and their successors, and to their Deputies, officers, servants, assignes, and ministers, and every of them, in executing and enjoying the premises, as well on land as on sea, from time to time, and at all times when you, or any of you, shall be thereunto required, any statute, act, ordinance, proviso, proclamation, or restraint heretofore had, made, set forth, ordained, or provided, or any other matter, cause or thing to the contrary, in any wise notwithstanding.

6. PROMISE BY SHAH 'ABBAS OF EXTRATERRITORIAL PRIVILEGES TO EUROPEANS

1600

[Sir John Malcolm, *The History of Persia* (2nd ed., London, 1829), vol. 1, pp. 352–53]

An English soldier of fortune, Sir Anthony Sherley, with a group of twenty-seven Englishmen, among them his brother Robert, reached the Court of Shah 'Abbas (1587–1629) at Qazvin in 1598. Ostensibly delegated by the Earl of Essex, then the Lord-Lieutenant of Ireland, Sherley in reality sought to promote his personal affairs and presented his services to the Persian monarch. The self-appointed Sherley mission was an early instance of European technical assistance, for its staff aided the Shah effectively to reorganize the Persian army. So wholly had Sir Anthony ingratiated himself that Shah 'Abbas, in 1600, dispatched the Englishman to Europe as special ambassador in search of European allies against the hostile Sunni Ottomans. 'Abbas permitted the envoy to publicize, as inducement, the following *farman* (royal decree), assuring in perpetuity all Europeans capitulatory privileges in Persia. Sir Anthony's roving assignment proved as total a failure as did the shah's promisory decree. Yet the abortive instrument is of interest, since it represented the unusual phenomenon of a strong Near and Middle East monarch freely offering to European states capitulations as bait for a military alliance. Sir P. Sykes, *A History of Persia* (3rd ed., London, 1951), vol. 2, chap. 63; Sir W. Foster, *England's Quest of Eastern Trade,* chap. 30; Sir A. T. Wilson, *The Persian Gulf,* chap. 9.; S. C. Chew, *The Crescent and the Rose,* chaps. 6, 7; E. P. Shirley, *The Sherley Brothers;* "A Note on the Abolition of Extraterritoriality in Persia," *Asiatic Review* (new series), 23 (1927), 557–65.

Our absolute commaundement, will, and pleasure, is, that our cuntries and dominions shall be, from this day, open to all Christian people, and to their religion: and in such sort, that none of ours, of any condition, shall presume to giue them any euil word. And, because of the amitie now ioyned with the princes that professe Christ, I do giue this pattent for all Christian marchants, to repaire and trafique, in and through our dominions, without disturbances or molestations of any duke, prince, gouernour, or captaine, or any, of whatsoeuer office or qualitie, of ours: but that all merchandize that they shall bringe, shall be so privileged, that none, of any dignitie or authoritie, shall haue power to looke unto it: neyther to make inquisition after, or stay, for any use or person, the ualue of one asper. Neyther shall our religious men, of whatsoeuer sort they be, dare disturbe them, or speake in matters of their faith. Neyther shall any of our justices haue power ouer their persons or goodes, for any cause or act whatsoeuer.

If by chaunce a marchant shall die, none shall touch any thing that belongeth unto him; but if the marchante haue a companion, he shall haue power to take possession of those goodes. But if (by any occasion) he be alone, onely with his seruants, the gouernor, or whomsoeuer shall be required by him in his sickness, shall be answearable for all such goodes unto any of his nation, which shall come to require them. But if he die suddainly, and haue neyther companion nor seruant, nor time to recomende to any what he woulde haue done, then the gouernor of that place shall sende the goodes to

the next marchant of his nation, which shall be abiding in any parts of our dominions.

And those within our kingdomes and prouinces hauing power ouer our tolles and customes, shall receiue nothing, or dare to speake for any receipt from any Christian marchant.

And if any such Christian shall giue credite to any of our subjectes, (of any condition whatsouer,) he shall, by this pattent of ours, haue authoritie to require any caddie, or gouernor, to do him justice, and thereupon, at the instant of his demaunde, shall cause him to be satisfied.

Neyther shall any gouernor, or justice, of what quality so euer he be, dare take any rewarde of him, which shall be to his expense: for our will and pleasure is, that they shall be used, in all our dominions, to their owne full content, and that our kingdomes and cuntries shall be free unto them.

That none shall presume to aske them for what occasion they are heere.

And although it hath bin a continuall and unchaungeable use in our dominions euery yeere to renue all pattentes, this pattent, notwithstanding, shall be of full effect and force for euer, without renuing, for me and my successors, not to be chaunged.

7. GRANT OF CAPITULATIONS BY SHAH 'ABBAS TO THE NETHERLANDS
17 November 1623

(Registered with the States-General, 24 December 1624)

[Translated from the Dutch text in François Valentijn, *Oud en nieuw Oost Indiën* (Amsterdam, 1724–26), vol. 5, book 5, pp. 293–95]

With the expulsion of the Portugese from Hurmuz in 1622 by the joint action of Persia and the English East India Company, the Dutch promptly moved into a position of supremacy in European commerce with Persia, which centered in the Persian Gulf, and retained the lead for well over a half-century. Shah 'Abbas was the first of the Safavi dynasty to negotiate with European merchants in explicit detail the conditions under which they might trade in his realm. Although promulgated as a *farman* (royal decree), the instrument framed with, and on behalf of, the Dutch East India Company in 1623 more closely resembled in content and structure the capitulatory treaties of the period between the Ottoman Empire and the maritime states of Western Europe. The Dutch swiftly came into conflict with the English by refusing, on the strength of article 3 of the 1623 instrument, to pay duties at Bandar 'Abbas where the English East India Company was supposed to have shared the customs revenue with the Persian government. The *farman* remained valid only for the reign of Shah 'Abbas; comparable decrees were granted by later shahs in 1642 and 1694. H. Dunlop, ed., *Bronnen tot de Geschiedenis der Oostindische Compaagnie in Perzië*, vol. 1 (documents with introductory essay by editor); Sir A. T. Wilson, *The Persian Gulf*, chap. 11; K. Bayani, *Les Relations de l'Iran avec l'Europe occidentale à l'époque Safavide*, part 2, chap. 3; P. Bonnassieux, *Les Grandes compagnies de commerce*, book 1, chap. 2; Sir J. Chardin, *Travels in Persia* (1927 ed.), pp. 59–62, 277–87.

1. His Majesty grants freedom to the Netherlands Nation, allowing them to come and go through all the places under His Majesty's rule, to pursue their commerce [and] to buy and sell all sorts of merchandise, none being excepted, insofar as that Nation may deem it advantageous to their commerce.

2. The Netherlands Nation shall not be bound by anyone, whoever it may be, to accept any kind of merchandise against their will, but may without compulsion deal in, buy and sell all manner of merchandise without the interference of any person of whatever quality.

3. The Netherlands Nation shall not have to pay any duty or toll on their imports or exports or specie, but all specie and merchandise which they import or export shall be free of all duties and charges, with the sole exception of the small duty of the

Nazir [overseer or inspector] in accordance with ancient usage.

4. No minister shall have the power to impound and much less to consign to custom-houses the merchandise or the specie, whether import or export, of the Netherlanders; but the Netherlanders will be permitted to travel with their goods through all the cities, roads and fortified places without being molested or hindered by any governor or ruler, whosoever he may be; nor shall the latter be allowed to inspect [the Netherlanders'] goods.

5. The Netherlands Nation will be permitted to use in the purchase and sale of merchandise in their houses all such weights, ells and measures as may be in their possession for the purpose in the localities where they conduct their business; and the official weighers of the district shall not prevent this, much less shall they claim any duty or weighing fee [that] His Majesty's subjects [must pay], apart from the [duty] on the receiving and weighing of silk or of large and substantial shipments.

6. If any Netherlander having no companion or compatriot with him should happen to pass away anywhere under the rule of His Majesty, the justice of the locality shall take into custody the goods found with the deceased, until a successor has filled the deceased's post or until a request comes from the deceased's chief, to whom the justice shall deliver everything intact. But if there should be others of the same Nation in the locality where the Netherlander happened to die, the justice will not be permitted to touch any of the goods.

7. His Majesty undertakes and promises to pay, make up and compensate for all that may be taken from the Netherlands Nation within his jurisdiction.

8. The Netherlanders also shall not be burdened in the loading of camels, mules or work-horses, but all muleteers and caravan chiefs are required to serve the [Netherlands] Nation at the rates prevailing among the natives of Persia.

9. All officials in Persia are obliged to provide the Netherlands Nation with a fortified house, food, horses and anything that may be requested, as well as with troops to accompany them from one locality to another for the greater safety of their persons and goods.

10. The house of the Netherlands Nation in Persia shall enjoy full freedom without exception; and no justice may enter [the premises] without the permission of the principal representative of the said Nation; and if anyone should seek forcibly to enter [the premises], the Netherlanders will be allowed to resist him with force.

11. The Netherlanders may acquire a place for the exercise of their religion and may perform their rites publicly without let or hindrance.

12. They will be allowed without hindrance to purchase and take out of the country any Christian slaves, especially natives and subjects of the sovereign Estates General of the United Netherlands Provinces.

13. If any Netherlander should become a Muslim, the chief or president will be allowed, as he may deem proper, to take that person and his goods into custody and to send him away at the first opportunity.

14. If a member of the Netherlands Nation should (God forbid) strike dead another person, from whatever nation, or should commit any crime or infraction of the law, that person shall not be tried by any justice of the [Persian] Empire but shall be punished by his president or chief, according to the circumstances of the case and in the manner deemed appropriate.

15. If any Netherlander should be found in the company of a woman, [Persian] officers shall not be empowered to apprehend that person but he shall be punished by his own chiefs after having been found guilty.

16. The Netherlands Nation may acquire a place for the convenient and unhindered burial of their dead in their accustomed manner.

17. The interpreter or dragoman of the Netherlands house shall be privileged with no less freedom than a member of the Netherlands Nation; no one may ever accuse or annoy him.

18. It is expressly forbidden to do harm or cause hindrance to any person in the service of the Netherlands Nation; but all persons, whether Persians, Armenians, Turks, Moors or Bengalis, shall be allowed freely to enter the service of the Netherlanders without molestation on this account.

19. Whenever a Netherlands ship should suffer an accident within the jurisdiction of His Majesty and the goods fished out or salvaged by any imaginable method, the ministers who may receive such goods must return them without claim to the Netherlands Nation.

20. The Netherlanders shall be allowed to export from Persia horses or other kinds of beasts, as they see fit.

21. No custom toll under any pretext whatsoever shall be levied upon the present cargo of the Netherlanders in Shiraz and Hormuz.

22. *Rahdars* [guardians of the roads] shall not collect from the Netherlanders any tolls in any locality whatsoever.

23. His Majesty promises to grant privileges additional to those enumerated in the above articles as soon as His Princely Excellency is presented with reasoned and proper request by the Netherlands Nation or by an ambassador of the Sovereign Gentlemen the Estates General.

8. GRANT OF CAPITULATIONS BY SHAH SAFI TO ENGLAND
July–August 1629

[William Foster, *Letters received by the East India Company from its Servants in the East* (London, 1902), vol. 6, pp. 293–97]

The English East India Company procured its first *farman* (royal decree) for trade in Persia from Shah 'Abbas in October 1615, with the reluctant intervention of Sir Robert Sherley, who continued in Persian service as military adviser and "ambassador at large." The *farman* consisted of little more than a vague directive to Persian officials and subjects "to kindly receive and entertaine the English Frankes or Nation" (text in *Purchas His Pilgrimes*, vol. 1, book iv, p. 524). Yet on the strength of it, company factories were set up in 1617 at Shiraz and Isfahan, then the capital of Persia. In the same year, Edward Connock, manager of the company's Persian operations, negotiated with the shah in the name of King James I, but without express authorization, an elaborate treaty of commerce, promulgated, as were all such documents, in the form of a royal decree. The original text appears to have been lost. In 1629, however, Shah Safi (1629–42) granted a *farman* that purported to confirm, unaltered, the provisions which Shah 'Abbas had sanctioned a dozen years earlier. The two instruments, which probably differed in detail only, established the legal framework for Anglo-Persian commercial relations for a full century, the terms having been confirmed by Shah Sultan Husayn (1694–1722), the last of the Safavi monarchs. Thomas Herbert, *Some Years Travels into Divers Parts of Africa and Asia the Great;* Sir A. T. Wilson, *The Persian Gulf,* chaps. 9–11; Sir W. Foster, *England's Quest of Eastern Trade,* chaps. 30–31.

1. That in the behalf of the supreme Majesty of King James there might continually reside at the court of Shah Abas an ambassador; and at what time soever as the Majesty of the King of England shall, for the better establishing of amity, benevolence and correspondency, desire an ambassador from hence, we shall gladly send one, who being arrived in his country shall conserve and keep those amorous links and bands of friendship, love, unity and benevolence.

2. At what time soever as the said English nation shall arrive with their ships to any of the ports belonging to the King of Persia, or shall travel by land with their merchandises, the Governors of the said ports or places wheresoever they come shall not exact from them one farthing more than the accustomed duties which my own subjects pay.

3. Whatsoever is necessary, as victuals, munition, etc., shall be sold unto the said nation for the furnishing their shipping at

the same rates and prices my own subjects pay.

4. If by chance there happen any torment or tempestuous storm where the English ships shall ride, and that any of the said ships suffer shipwreck (which God forbid), no man whatsoever shall pretend anything thereof, but shall suffer the said nation in the best manner they can to save their goods and make the most of all things thereof. If any person take anything thereof, they shall restore it again.

5. Whatsoever goods the said nation shall import [into?] our dominions, they may carry it to whatsoever place in my country they please, buying and selling freely, nobody molesting them, or offer-[ing?] them any force or violence.

6. They shall buy whatsoever sort of merchandise they list, nobody hindering them.

7. They shall live in their own laws and religion, and no man compel them by violence to turn Mussellmen; for as religion is a work which proceeds from the conscience and mind, which pleads between the creature and the Creator, so nobody but the high Majesty of God hath power to penetrate the said conscience; and God it is above unto whom all men are to render an account of their salvation. But if any of the said nation shall voluntarily turn Mussellman, he shall live in any part of my dominions he lists, possessing quietly what belongs unto him.

8. They shall keep whatsoever sort of arms or weapons in their houses; and if in their travels any person shall steal anything from them, and they in defence thereof kill him, the governors of that jurisdiction shall not molest them for it; but if they apprehend the thief and carry him before the magistrate, he shall in their presence give him punishment.

9. At what time soever any ambassador shall come from the high Majesty of the King of England, he hath power to constitute in any part of my dominions agents and factors for the negotiating their business; and our governors and supreme ministers of such places shall respect them and assist them in all occasions.

10. If any of their people shall commit any disorders, they shall be carried before the said Ambassador to have chastisement.

11. In whatsoever part any of the said nation shall reside, and anybody offer them force or violence, they shall acquaint the governor of those parts thereof. If he deny them justice, they shall appeal unto the Ambassador which is in my Court, and he informing our Royal Person thereof, We shall severely chastise such abuses.

12. If in any part whatsoever there shall be any servant or interpreter of the said nation in whom they themselves put trust and confidence, they [shall?] give credence unto him, and respect him in the like manner as if he were one of the said nation.

13. If from any parts of Turkie, or other places whatsoever, any man shall bring any slaves of the English nation, if he be not turned Mussellman, he shall be delivered unto the said nation, they paying only the price he cost.

14. If any of the said nation die in any part of my dominions, that no man offer to take one farthing of his goods, but that the said Ambassador dispose thereof as he see good, and that the corpse of the said deceased be interred in places where other Christians bury.

15. If the said English shall not find vent for such commodities as they bring, according to their content, they may transport it through my country into any other parts whatsoever, paying only the accustomed duties my own subjects pay, and as they do in Constantinople and Alepo and other parts of Turkie.

If anything be stolen from them on the way the governors of those parts shall make search for the thief; and, finding him, shall restore the said goods; if not, the said governors shall make good what was stolen.

16. If between the said nation and our subjects happen any difference or discord in buying or selling, they shall repair unto the Justice, who shall do them right according to the ancient laws of this land. But if the said difference pass or exceed twenty tomands, the Justice shall send them to the Ambassador to be decided, that

he in presence of our Justices might do whatsoever shall be conformable to honourable and noble laws.

17. If any of the said nation shall marry a wife of any of those Christians in our country, if he have any issue, and should die, leaving the said children destitute of friends to protect them, they shall in such cases be delivered to the disposure of the Ambassador.

18. That no soldier, merchant, rustic or whatsoever person in my dominions, nay, the said English themselves, shall not break these conditions, for that the high Majesty of Shah Abas, the conqueror of the world, hath accepted and allowed thereof.

9. GRANT OF EXTRATERRITORIAL PRIVILEGES TO PERSIAN MERCHANTS IN THE NETHERLANDS
7 February 1631

[Translated from the Dutch text in François Valentijn, *Oud en nieuw Oost Indiën* (Amsterdam, 1724–26), vol. 5, book 5, pp. 296–97]

A Dutch agent of Shah Safi, Johan van Hasselt, obtained—from "the Sovereign Gentlemen the Estates General of the United Netherlands" in 1631—a grant of extraterritorial privileges for Persian merchants in the Netherlands. These were patterned on the interstate arrangements in Europe at the time. However, the promise of the exchange of capitulatory rights on a reciprocal basis never materialized, because Persian merchants rarely established branches in Europe. Still, the following instrument is significant for evaluating the development of the capitulatory regimes in the Middle East and in demonstrating the differences between the experience of Persia and that of the Ottoman Empire. For references, see Doc. 7.

The Sovereign Gentlemen the Estates General of the United Netherlands, having granted permission to the Persian Nation to land here in the name of the Much-Revered King, now also allow that Nation to do so in private capacity and to have free access and passage to all places and cities located in the United Provinces or under their jurisdiction, and to move about freely, unhampered and unmolested, to come and go, and also to negotiate, to buy and sell all sorts of goods and merchandise, none excepted, insofar as that Nation may deem fit and may find such dealings profitable.

The same Persian Nation, whenever they may desire to engage in business, shall enjoy in these lands all the same freedoms and rights as those of the inhabitants of these lands, even as those of persons of quality who are invested in these lands with important functions and offices.

If the Persian Nation should buy or sell small quantities of goods or merchandise in their houses, they will be allowed to use their own ells and also their own weights and measures; but in transactions in which they may buy or sell a large quantity of goods or merchandise which must be weighed or measured, the weighing or measuring shall be regulated according to the wise and circumspect customs of the land, so that the buyer or seller may be neither cheated nor defrauded.

If any member of the Persian Nation should happen to pass away in these lands, leaving no one to assume responsibility for the goods of the King or those of the deceased himself, the Gentlemen Regents of the deceased's place of residence shall become responsible for taking proper inventory and placing in custody all the goods of the Persian King or of the deceased himself until the Much-Revered King may make alternative arrangements for His Majesty's goods or the friends of the deceased for the latter's private goods. In the meantime the consumable or perishable goods shall be redeemed by opportune transactions for the benefit of the Much-Revered King or especially of the private heirs of the deceased; proper accounts, proofs and records of the redeemed goods and merchandise shall be kept.

Whenever Persian merchants may arrive

in these lands in suitable numbers and with sufficient capital for engaging in business, they will be provided jointly with comfortable dwelling and they will enjoy in their place of residence freedom from all imposts on consumable goods which may be consumed in their households; similarly, comfortable housing will be furnished, and the same exemption [from imposts] granted, to those who may be commissioned by the Much-Revered Persian King to represent that Nation [in the Netherlands] and to serve as chiefs of such merchant [communities].

The house of the Agent of His Royal Persian Majesty shall be and shall remain privileged, as are the houses of other Agents of Kings and Princes in Europe who reside at the court of the above-mentioned Estates General. And if the Persian Nation should establish in these lands a factory, properly staffed and provided with capital, they will enjoy the same rights, advantages and equities in commercial and judicial matters as those enjoyed respectively by the English Court residing in the city of Delft and by the Scottish Nation residing in the city of Camperveen with whose King the above-mentioned Estates General have maintained commercial accords and intercourse from ancient times.

The Persian Nation will be granted in their houses full liberty in the exercise of religion without hindrance, molestation or disturbance by anyone.

If a member of the Persian Nation should wish to change his religion, the Sovereign Gentlemen of the Estates shall not interfere; but in any event the King or anyone else who might have entrusted goods with such a person shall not thereby be deprived of their property and that person, as theretofore, shall [continue to] adminster matters under his charge and judiciously settle them.

The Persian Nation shall be granted a place for the burial of their dead in accordance with their customs and usages.

If the Agent of the Much-Revered King should find that a member of the Persian Nation has committed a misdeed, a misdemeanor or an act of opposition against him and should request the judicial authorities of the locality in which the transgression occurred to support him so that he might effect justice with respect to such person or persons, the [requested] assistance shall be given to the agent in opportune time.

10. TREATY OF PEACE AND FRONTIERS: THE OTTOMAN EMPIRE AND PERSIA

17 May 1639

(Reaffirmed 4 September 1746, 28 July 1823, 31 May 1847)

[*British and Foreign State Papers,* vol. 105 (1912), pp. 763–66]

With the rise of the Safavi dynasty in Persia at the opening of the sixteenth century, recurrent wars between the Sunni Ottomans and the Shi'i Persians produced frequent shifts in the boundaries between the two Muslim states. Sultan Murad IV (1623–40) finally recaptured Baghdad in 1638. In dictating the following conditions of peace which Shah Safi's representative accepted at Zuhab (in northern Persia), the sultan reincorporated Baghdad and the surrounding districts into the Ottoman Empire. The frontiers, although only roughly drawn, endured virtually unchanged (with brief exceptions) for more than two hundred years. In the mid-nineteenth century, when mixed commissions endeavored to demarcate the boundary with absolute precision, the 1639 arrangement provided the point of departure. Sir P. Sykes, *History of Persia,* vol. 2, chap. 66; M. A. Hekmat, *Essai sur l'histoire des relations politiques irano-ottomanes de 1722 à 1747,* pp. 17–39; R. Achoube-Amini, *Le Conflit de frontière irako-iranien,* chap. 3; J. von Hammer, *Geschichte des osmanischen Reiches,* vol. 5, pp. 193–294.

Praise to God, the Holy, the Gracious, the bestower of Victory; who has opened the door of peace and concord with the key of the words: "Verily I wish nothing so much as reconciliation," and dispelled the

darkness of war and fighting with the light of quiet and happiness. Blessings and benedictions, so long as flowers spread their perfume and daylight shines, upon his Prophet who has fully and clearly manifested the faith, and with whose auspicious advent Islamism was greatly rejoiced; and upon his family, children and companions who have been active in propagating that faith.

Now, whereas, by the will and good pleasure of Him who raised the skies without pillars, and by an effect of the wisdom and omnipotency of Him who composed all things from various elements, and who has no equal, good order in society, and the conservation of the world depend upon the justice and equity of the Sovereigns, and upon their good understanding and union, no less than upon their submission to the positive and to the negative divine Commands, the August Sultans have, in conformity to this sacred precept: "Fear God and reconcile yourselves," resorted to reconciliation, which is a source of happiness, and renounced to hostilities and war, the sword of mutual contrariety was put into the scabbard; and nations which were making war with each other, cordially reconciled themselves. "That is a favour of God. He grants it to whom He pleases: and God is most gracious."

I, therefore, the most humble of all the servants of God, being charged and authorized to do or undo whatever concerns the Empire and the nation, and to make, just as I choose, war or peace, an authority which I hold from the most glorious Padishah who is the Defender of the faith, whose Majesty is as great as that of Solomon, who is the substitute of God in the world, and who has justified the maxim that "An equitable Sultan is the shadow of God on earth"; the asylum of the greatest Musulman Princes, the shelter of the most illustrious Turkish Sovereigns, the supporter of Islamism and of Musulmans, the exterminator of heresies and of the polytheists, the Sovereign of the two lands and of the two seas, the Sovereign of the two Orients and of the two Occidents, the servant of the two Holy Cities, the treasure of Mankind and the apple of the age, who is protected by the Supreme Being whose divine assistance men implore, and favoured by the most High and propitious God; May His Imperial Majesty's Dynasty last till the end of the world, and their reign be prolonged till the consummation of ages! have, in virtue of my full powers and my real character of the Sultan's substitute, ordered the Turkish victorious troops to march from beneath Bagdad, and began to go forward with an intention of entering the Persian territory. On our arrival at a station called Haronia, the most distinguished among the Grandees Chems Uddin Mehmed Culy Bey, Great Equerry, arrived there in the capacity of Ambassador with a Letter from Him who is the ornament of the Persian Throne, the splendor of the Kingdom of Djem, and whose magnificence is equal to that of Darius, the great Prince and illustrious Lord, the Precious Pearl of the Sea of Royalty, the sun of the sky of Sovereignty, the noble Eagle of the high region of the Dignity of Shah, the most Illustrious and Majestic Prince whose troops are as numerous as the stars; may the most High God raise the banners of his strength from earth to Heaven, and exalt the edifice of his glory to the height of the vaulted sky! to our great and august Padishah, and also a flattering Letter to me. The Ambassador having asked that the fire of war should be extinguished and the dust of fighting dispersed, stating that His Majesty the Shah's will is that reconciliation and peace between the two Parties should take place, I, on my part too, wishing to act in conformity to the sacred text, to wit: "If they incline to peace, do ye also incline to it," have readily consented, for the sake of the safety and tranquillity of mankind to make Peace; and a letter was sent to the Shah to the end that His Majesty might send a Person of confidence with power to settle the conditions of the Peace, in a manner suitable to the honour and dignity of the two Governments. Consequently the Shah has appointed according to the established laws and rules, to negotiate and conclude this treaty of Peace, and establish and fix the state of the fron-

tiers, the most excellent and faithful Saroukhan, may he always be fortunate in transacting affairs on which quiet and security depend! Saroukhan, on his arrival in the Imperial Camp at Zahab, was received with marks of hospitality; and on the 14th day of Muharem, in the year 1049 of the Hegira of the Prophet, upon whom be the best benedictions, a Divan was held in the Imperial Camp, in which were present the illustrious Vizirs, the Miri Miran, the Commanders and Agas, the Aga of the Janissaries, six Agas of six Companies, and other officers of the army. Saroukhan, the Plenipotentiary who was duly accredited, and the Ambassador Mehmed Culy Bey, were introduced in the Divan, and the preliminaries were discussed with them so as to put on a good footing the position of the Rayas and of the poor who are a trust imposed by the Author of all beings, and the result of the discussions on both Parties has been written down and is as follows: Tzanan, Bedrie, Mendelgeen, Derteuk and Dernai, in the Pashalik of Bagdad, will remain under the authority of our august Padishah, who will also take possession of the Plains between Mendelgeen and Derteuk, and the Mountain will remain under the authority of the Shah. Serminil is fixed as frontier between Derteuk and Dernai. That part of the country of Haronia, occupied by the Tribes of Djaf and Zilja Uddin, will belong to the Sultan. Pezai and Zerdony remain to the Shah. The fortress of Zindjir, which lies on the top of the Mountain, shall be demolished; the Sultan will take possession of the Villages lying westward of it, and the Shah will take possession of those lying eastward. The Villages on the Mountain above Sailm Calè, near Chehrezor, will be in the possession of the Sultan, and the Villages lying on the East, will be in the possession of the Shah, who will also keep the Castle of Orman with the Villages which are dependent on it. The defile leading to Chehrezor has been established as a frontier. The fortress of Kizilidji with its dependencies shall remain in the possession of the Sultan; and Mihreban with the dependencies thereof, in that of the Shah. The fortresses of Cotour (Kotur) and Makoo on the frontier of Van, and the fortress of Magazberd towards Kars and Van, will be demolished by the two Parties, and so long as the Shah will not have molested the fortresses of Akiskha, Kars, Van, Chehrezor, Bagdad, Bassora, and other Places within the limits, such as fortresses, forts, Districts, lands, hills and mountains, and no such horrible act as provoking to rebellion shall have been committed by Him, on their part also His Majesty our Great Padishah will respect this Peace, and no molestation shall, contrary to Treaty, be done to the places which remain within the limits of the other side.

In order, therefore, that Merchants and travellers belonging to either Party may come and go and meet with a friendly reception, I have, in virtue of my full power and positive authority written down this egregious Treaty, the contents of which are true, and sent it to His Majesty the Shah, and to our most August Padishah. So long as the Shah shall, according to the Sacred text: "Do not violate an agreement after ye have done it" observe this treaty as it ought to be observed, His Imperial Majesty, our most Magnificent Padishah also, will act in obedience to the Holy Command: "Fulfil your agreement, for an agreement is obligatory."

This Happy Peace will last and be maintained, with the permission of God, till the day of resurrection: "And he who shall alter it after having heard it, verily this sin shall be upon those who shall have altered it."

Praise to God; He is the sole God, and blessings upon him after whom there will be no Prophet. In the beginning; and in the end; and externally; and internally.

The most humble of the servants of God.

MUSTAFA, *Grand Vizier.*

11. MARONITE COMMUNITY OF LEBANON PLACED UNDER FRENCH PROTECTION BY LOUIS XIV

28 April 1649

[Translated from the French text in Baron I. de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères* (Paris, 1866), vol. 3, pp. 140–41]

The preferential position of France, in its role as protector of European commerce in the Ottoman Empire, was progressively whittled down after 1580, when England, Holland, and other European states successively received their own capitulatory privileges from the Ottoman crown. At about this time, France came to be recognized as the guardian of European Catholicism in the sultan's realm and, after 1639, claimed as well the right to protect Ottoman Christian subjects—especially Catholics—throughout the Asian provinces. One of the earliest formal acts of this class was the "adoption," by Louis XIV in 1649, of the Maronite Community in Lebanon, thus establishing the precedent of close relations between the Maronites and France that have persisted into the twentieth century. M. Jouplain, *La Question du Liban,* book 1, chap. 3; A. H. Hourani, *Syria and Lebanon,* chap. 8.

Louis, by the grace of God, King of France and Navarre, to all to whom these presents come, greeting: Let it be known: that we, by the advice of the Queen Regent, our very honored lady and mother, having taken and placed, as by these signs of our hand we do take and place in our protection and special safeguard the Most Reverend Patriarch and all the prelates, ecclesiastics and Maronite Christian laics, who dwell particularly in Mount Lebanon: we desire that they should be aware of this at all times and, to this end, we command our beloved and trusty Sieur la Haye de Pentetet, Councilor in our Councils and our Ambassador in the Levant, and all those who succeed him in this post, to show favor to these former, together or separately, by their care, good offices, entreaty and protection, either before the Porte of our very dear and perfect friend the Grand Seigneur, or elsewhere as needs be, so that there will not be accorded to them any ill treatment, but on the contrary, that they may continue freely their spiritual exercises and functions. We enjoin the Consuls and Vice-Consuls of the French Nation in the seaports of the Levant, or others flying the flag of France, now and in the future, to show all favor in their power to the said Lord Patriarch and to the said Maronite Christians of the said Mount Lebanon, and to assist to embark on French or other vessels the young men and all other Christian Maronites who might wish to go over into Christian lands, either to study or for any other business, without taking or requiring of them any fee other than that which they may be able to give, treating them with all possible gentleness and charity.

We request and require the illustrious and magnificent Lords the Pashas and officers of His Highness to show favor to and assist the Lord Archbishop of Tripoli and all prelates and Maronite Christians, offering on our part to do likewise for all those recommended by them.

12. FINAL TREATY OF CAPITULATIONS: THE OTTOMAN EMPIRE AND ENGLAND
September 1675

(Reaffirmed, 5 January 1809; terminated, 6 August 1924)

[Great Britain, Foreign Office, Librarian and Keeper of the Records (Edward Hertslet), *Treaties, &c. between Turkey and Foreign Powers, 1535–1855* (London, 1855), pp. 247–66]

The Ottoman government progressively broadened the English exterritorial rights by successive renewals of, and additions to, the earlier treaties in 1603, 1606, 1624, 1641, 1662, and 1675. The capitulations of 1675, which thus comprised all of the previous instruments, continued in force until the expiry of the Ottoman Empire. The first twenty articles, which correspond to the twenty-two articles[1] of the 1580 treaty (Doc. 4), have been omitted below, as have the several preambles. N. Sousa, *Capitulatory Regime of Turkey,* chap. 3; A. C. Wood, *History of the Levant Company* and "The English Embassy at Constantinople, 1660–1762," *English Historical Review,* 40 (1925), 533–61; for negotiations of 1675, see G. F. Abbott, *Under the Turk in Constantinople, a Record of Sir John Finch's Embassy 1674–1681,* chaps. 2, 9–11.

XXI. That duties shall not be demanded or taken of the English or the merchants sailing under the flag of that nation, on any piastres and sequins they may import into our sacred Dominions, or on those they may transport to any other place.

XXII. That our Beglerbegs, Judges, Defterdars, and Masters of the mint, shall not interpose any hindrance or obstacle thereto by demanding either dollars or sequins from them, under the pretence of having them recoined and exchanged into other money, nor shall give them any molestation or trouble whatever with regard thereto.

XXIII. That the English nation, and all ships belonging to places subject thereto, shall and may buy, sell, and trade in our sacred Dominions, and (except arms, gunpowder, and other prohibited commodities) load and transport in their ships every kind of merchandise, at their own pleasure, without experiencing any the least obstacle or hindrance from any one; and their ships and vessels shall and may at all times safely and securely come, abide, and trade in the ports and harbours of our sacred Dominions, and, with their own money, buy provisions and take in water, without any hindrance or molestation from any one.

XXIV. That if an Englishman, or other subject of that nation, shall be involved in any lawsuit, or other affair connected with law, the judge shall not hear nor decide thereon until the Ambassador, Consul, or Interpreter, shall be present; and all suits exceeding the value of four thousand Aspers shall be heard at the Sublime Porte, and nowhere else.

XXV. That the Consuls appointed by the English Ambassador in our sacred Dominions, for the protection of their merchants, shall never, under any pretence, be imprisoned, nor their houses sealed up, nor themselves sent away; but all suits or differences in which they may be involved shall be represented to our Sublime Porte, where their Ambassadors will answer for them.

XXVI. That in case any Englishman, or other person subject to that nation, or navigating under its flag, should happen to die in our sacred Dominions, our fiscal and other officers shall not, upon pretence of its not being known to whom the property belongs, interpose any opposition or violence, by taking or seizing the effects that may be found at his death, but they shall be delivered up to such Englishman, whoever he may be, to whom the deceased may have left them by his will: and should he have died intestate, then the property shall be delivered up to the English Consul, or

[1] Articles 9 and 16 of the 1580 treaty do not appear in the 1675 version.

his representative, who may be there present: and in case there be no Consul, or Consular Representative, they shall be sequestered by the judge, in order to his delivering up the whole thereof, whenever any ship shall be sent by the Ambassador to receive the same.

XXVII. That all the privileges and other liberties already conceded, or hereafter to be conceded to the English, and other subjects of that nation sailing under their flag, by divers Imperial Commands, shall be always obeyed and observed, and interpreted in their favour, according to the tenor and true intent and meaning thereof; neither shall any fees be demanded by the fiscal officers and judges in the distribution of their property and effects.

XXVIII. That the Ambassadors and Consuls shall and may take into their service any janizary or interpreter they please, without any other janizary or other of our slaves intruding themselves into their service against their will and consent.

XXIX. That no obstruction or hindrance shall be given to the Ambassadors, Consuls, and other Englishmen, who may be desirous of making wine in their own houses, for the consumption of themselves and families; neither shall the janizaries our slaves, or others, presume to demand or exact any thing from them, or do them any injustice or injury.

XXX. That the English merchants having once paid the customs at Constantinople, Aleppo, Alexandria, Scio, Smyrna, and other ports of our sacred Dominions, not an Asper more shall be taken or demanded from them at any other place, nor shall any obstacle be interposed to the exit of their merchandise.

XXXI. That having landed their merchandise imported by their ships into our sacred Dominions, and paid in any port the customs thereon, and being obliged, from the impossibility of selling the same there, to transport them to another port, the Commandants or Governors shall not, on the landing of such merchandise, exact from them any new custom or duty thereon, but shall suffer them, freely and unrestrictedly, to trade, without any molestation or obstruction whatsoever.

XXXII. That no excise or duty on animal food shall be demanded of the English, or any subjects of that nation.

XXXIII. That differences and disputes having heretofore arisen between the Ambassadors of the Queen of England and the King of France, touching the affair of the Flemish merchants, and both of them having presented memorials at our Imperial Stirrup, praying that such of the said merchants as should come into our sacred Dominions might navigate under their flag, *Hatti-sheriffs* were granted to both parties, but the Captain Pasha, Sinan, the son of Cigala, now deceased, who was formerly Vizir, and well versed in maritime affairs, having represented that it was expedient that such privilege should be granted to the Queen of England, and that the Flemish merchants should place themselves under her flag, as also the merchants of the four Provinces of Holland, Zealand, Friesland, and Guelderland, and all the other Vizirs being likewise of opinion that they should all navigate under the Queen's flag, and, like all the other English, pay the consulage and other duties, as well on their own merchandise as on those of others loaded by them, in their ships, to the Queen's Ambassadors or Consuls, it was by express order and Imperial authority accordingly commanded, that the French Ambassador or Consul should never hereafter oppose or intermeddle herein, but in future act conformably to the tenor of the present Capitulation. . . .

XXXIV. That the English merchants, and other subjects of that Nation, shall and may, according to their condition, trade at Aleppo, Egypt, and other ports of our sacred Dominions, on paying (according to ancient custom) a duty of three per cent. on all their merchandize, without being bound to the disbursement of an Asper more.

XXXV. That, in addition to the duty hitherto uniformly exacted on all merchandise, laden, imported, and transported in English ships, they shall also pay the whole

of the consulage to the English Ambassadors and Consuls.

XXXVI. That the English merchants, and all others sailing under their flag, shall and may, freely and unrestrictedly, trade and purchase all sorts of merchandise (prohibited commodities alone excepted), and convey them, either by land or sea, or by way of the River Tanaïs, to the countries of Muscovy or Russia, and bring back from thence other merchandise into our sacred Dominions, for the purposes of traffic, and also transport others to Persia and other conquered countries.

XXXVII. That such customs only shall be demanded on the said goods in the conquered countries as have always been received there, without any thing more being exacted.

XXXVIII. That should the ships bound for Constantinople be forced by contrary winds to put into Caffa, or any other place of those parts, and not be disposed to buy or sell any thing, no one shall presume forcibly to take out or seize any part of their merchandise, or give to the ships or crews any molestation, or obstruct the vessels that are bound to those ports; but our Governors shall always protect and defend them, and all their crews, goods, and effects, and not permit any damage or injury to be done to them: and should they be desirous of purchasing, with their own money, any provisions in the places where they may happen to be, or of hiring any carts or vessels (not before hired by others), for the transportation of their goods, no one shall hinder or obstruct them therein.

XXXIX. That custom shall not be demanded or taken on the merchandise brought by them in their ships to Constantinople, or any other port of our sacred Dominions, which they shall not, of their own free will, land with a view to sale.

XL. That on their ships arriving at any port, and landing their goods and merchandises, they shall and may, after having paid their duties, safely and securely depart, without experiencing any molestation or obstruction from any one.

XLI. The English ships coming into our sacred Dominions, and touching at the ports of Barbary and of the Western Coast, used oftentimes to take on board pilgrims and other Turkish passengers, with the intention of landing them at Alexandria, and other ports of our sacred Dominions; on their arrival at which ports the Commandants and Governors demanded customs of them on the whole of their goods before they were landed, by reason of which outrage they have forborne receiving any more pilgrims; the more so as they were forced to take out of the ships that were bound to Constantinople the merchandise destined for other places, besides exacting the duties on those that were not landed: all English ships, therefore, bound to Constantinople, Alexandria, Tripoli of Syria, Scanderoon, or other ports of our sacred Dominions, shall in future be bound to pay duties, according to custom, on such goods only as they shall, of their own free will, land with a view to sale; and for such merchandise as they shall not discharge, no custom or duty shall be demanded of them, neither shall the least molestation or hindrance be given to them, but they shall and may freely transport them wherever they please.

XLII. That in case any Englishman, or other person navigating under their flag, should happen to commit manslaughter, or any other crime, or be thereby involved in a lawsuit, the Governors in our sacred Dominions shall not proceed to the cause until the Ambassador or Consul shall be present, but they shall hear and decide it together, without their presuming to give them any the least molestation, by hearing it alone, contrary to the Holy Law and these Capitulations.

XLIII. That notwithstanding it is stipulated by the Imperial Capitulations that the merchandise laden on board all English ships proceeding to our sacred Dominions shall moreover pay over consulage to the Ambassador or Consul for those goods on which customs are payable, certain Mahometan merchants, Sciots, Franks, and ill-disposed persons, object to the payment thereof; wherefore it is hereby commanded, that all the merchandise, unto whomsoever belonging, which shall be laden

on board their ships, and have been used to pay custom, shall in future pay the consulage, without any resistance or opposition.

XLIV. That the English and other merchants navigating under their flag, who trade to Aleppo, shall pay such customs and other duties on the silks brought and laden by them on board their ships, as are paid by the French and Venetians, and not one Asper more.

XLV. That the Ambassadors of the King of England, residing at the Sublime Porte, being the representatives of His Majesty, and the interpreters, the representatives of the Ambassadors for such matters, therefore, as the latter shall translate or speak, or for whatever sealed letter or memorial they may convey to any place in the name of their Ambassador, it being found that that which they have interpreted or translated is a true interpretation of the words and answers of the Ambassadors or Consul, they shall be always free from all imputation or fault of punishment; and in case they shall commit any offence, our Judges and Governors shall not reprove, beat, or put any of the said interpreters in prison, without the knowledge of the Ambassador or Consul.

XLVI. That in case any of the interpreters shall happen to die, if he be an Englishman proceeding from England, all his effects shall be taken possession of by the Ambassador or Consul; but should he be a subject of our Dominions, they shall be delivered up to his next heir; and having no heir, they shall be confiscated by our fiscal officers. . . .

XLVII. That whereas the Corsairs of Tunis and Barbary having, contrary to the tenor of the Capitulations and our Imperial Licence, molested the merchants and other subjects of the King of England, as also those of other Kings in amity with the Sublime Porte, and plundered and pillaged their goods and property, it was expressly ordained and commanded, that the goods so plundered should be restored, and the captives released: and that if after such commands, the Tunisians and Algerians should, contrary to the tenor of our Capitulations, again molest the said merchants, and pillage their goods and property, and not restore the same, but convey them to the countries and ports of our sacred Dominions, and especially to Tunis, Barbary, Modon, or Coron, the Beglerbegs, Governors, and Commandants of such places should, in future, banish and punish them, and not permit them to sell the same.

XLVIII. That it is written and registered in the Capitulations, that the Governors and officers of Aleppo and other ports of our sacred Dominions, should not, contrary to the tenor of the said Capitulations, forcibly take from the English merchants any money for their silk, under the pretence of custom or other duty, but that the said merchants should pay for the silk by them purchased at Aleppo, the same as the French and Venetians do, and no more. Notwithstanding which, the Commandants of Aleppo have, under colour of custom and duty, demanded *two and a half per cent.* for their silk, and thereby taken their money: wherefore we command that this matter be investigated and inquired into, in order that such money may be refunded to them by those who have taken the same; and for the future, the duty exacted from them shall be according to ancient custom, and as the Venetians and French were accustomed to pay, so that not a single asper more be taken by any new imposition.

XLIX. That the merchants of the aforesaid nation, resident at Galata, buy and receive divers goods, wares and merchandises, and after having paid to our customer the duties thereon, and received a *Teskéré*, ascertaining their having paid the same, preparatory to loading such goods in due time on board their ships, it sometimes happens that in the interim the customer either dies, or is removed from his station, and his successor will not accept the said *Teskéré*, but demands a fresh duty from the said merchants, thereby molesting them in various ways; wherefore we do command, that on its really and truly appearing that they have once paid the duties on the goods purchased, the customer shall receive the said *Teskéré* without demanding any fresh duty.

L. That the merchants of the aforesaid nation, after having once paid the duties, and received the *Teskéré,* for the camlets, mohair, silk, and other merchandise purchased by them at Angora, and transported to Constantinople and other ports of our sacred Dominions, and having deposited such goods in their own warehouses, have been again applied to for duties thereon; we do therefore hereby command that they shall no longer be molested or vexed on that head, but that when the said merchants shall be desirous of loading such goods on board their ships, and on its appearing by the *Teskéré* that they have already paid the duties thereon, no fresh custom or duty shall be demanded for the said goods, provided that the said merchants do not blend or intermix the goods which have not paid custom with those which have.

LI. That the merchants of the aforesaid nation, having once paid the customs on the merchandise imported into Constantinople and other ports of our sacred Dominions, and on those exported therefrom, as silks, camlets, and other goods, and being unable to sell the said goods, are under the necessity of transporting them to Smyrna, Scio, and other ports; on their arrival there the Governors and Custom-house Officers of such ports shall always accept their *Teskérés,* and forbear exacting any further duty on the said merchandise.

LII. That for the goods which the merchants of the nation aforesaid shall bring to Constantinople, and other ports of our sacred Dominions, and for those they shall export from the said places, the *Mastarriagi* of Galata and Constantinople shall take their *Mastarria,* according to the old canon and ancient usage; that is to say, for those merchandises only whereon it was usually paid; but for such merchandises as have not been accustomed to pay the same, nothing shall be taken contrary to the said canon, neither shall any innovations be made in future with regard to English merchandise, nor shall one asper more be taken than is warranted by custom.

LIII. That the merchants of the aforesaid nation shall and may always come and go into the ports and harbours of our sacred Dominions, and trade, without experiencing any obstacle from any one, with the cloths, kerseys, spice, tin, lead, and other merchandise they may bring, and, with the exception of prohibited goods, shall and may, in like manner, buy and export all sorts of merchandise, without any one presuming to prohibit or molest them: and our customers and other officers, after having received the duties thereon, according to ancient custom and the tenor of these sacred Capitulations, shall not demand of them any thing more, touching which point certain clear and distinct Capitulations were granted, to the end that the Beglerbegs and other Commandants, our subjects, as also the Commandants and Lieutenants of our harbours might always act in conformity to these our Imperial Commands, and let nothing be done contrary thereto. . . .

LIV. That the English merchants having once paid the duties on their merchandise, at the rate of *three per cent.* aud taken them out of their ship, no one shall demand or exact from them anything more without their consent: and it was moreover expressly commanded, that the English merchants should not be molested or vexed in manner aforesaid, contrary to the Articles of the Capitulations. . . .

LV. That the imperial fleet, galleys, and other vessels, departing from our sacred Dominions, and falling in with English ships at sea, shall in no wise molest or detain them, nor take from them any thing whatsoever, but always show to one another good friendship, without occasioning them the least damage or injury; and notwithstanding it is thus declared in the Imperial Capitulations, the said English ships are still molested by the ships of the Imperial fleet, and by the beys and captains who navigate the seas, as also by those of Algiers, Tunis, and Barbary, who, falling in with them whilst sailing from one port to another, detain them for the mere purpose of plunder, under colour of searching for enemy's property, and under that pretence prevent them from prosecuting their voyage; now We do hereby expressly command, that the provisions of the old canon be executed at the Castles and in the ports

only, and nowhere else, and that they shall no longer be liable to any further search or exaction at sea, under colour of search or examination.

LVI. That the said Ambassador having represented that our customers, after having been fully paid the proper duties by the English merchants on their goods, delayed, contrary to the Articles and stipulations of the Capitulations, to give them the *Teskérés* of the goods for which they had already received the duty, with the sole view of oppressing and doing them injustice; We do hereby strictly command that the said customers do never more delay granting them the *Teskérés,* and the goods whereon they have once paid the duty being transported to another port, in consequence of no opportunity of sale having occurred in the former port, entire credit shall be given to the *Teskérés* ascertaining the payment already made, agreeably to the Capitulations granted to them, and no molestation shall be given to them, nor any new duty demanded.

LVII. That notwithstanding it is stipulated by the Capitulations that the English merchants, and other subjects of that nation, shall and may, according to their rank and condition, trade to Aleppo, Egypt, and other parts of our Imperial Dominions, and for all their goods, wares, and merchandise, pay a duty of *three per cent.* only, and nothing more, according to ancient custom, the customers having molested the English merchants, with a view to oppress them and the subjects of that nation, on their arrival with their goods laden on board their ships, whether conveyed by sea or land, at our ports and harbours, under pretence of the goods so brought by them not belonging to the English; and that for goods brought from England they demanded *three per cent.* only; but for those brought by them from Venice and other ports, they exacted more; wherefore, on this point, let the Imperial Capitulations granted in former times be observed, and our Governors and officers in no wise permit or consent to the same being infringed.

LVIII. That whereas it is specified in the Capitulations, that in case an Englishman should become a debtor or surety, and run away or fail, the debt shall be demanded of the debtor: and if the creditor be not in the possession of some legal document given by the surety, he shall not be arrested, nor such debt be demanded of him; should an English merchant, resident in another country, with the sole view of freeing himself of the payment of a debt, draw a bill of exchange upon another merchant, living in Turkey, and the person to whom the same is payable, being a man of power and authority, should molest such merchant who had contracted no debt to the drawer, and oppress him, contrary to law and the sacred Capitulations, by contending that the bill was drawn upon him, and that he was bound to pay the debt of the other merchant: now, We do hereby expressly command, that no such molestation be given in future; but if such merchant shall accept the bill, they shall proceed in manner and form therein pointed out; but should he refuse to accept it, he shall be liable to no further trouble.

LIX. That the interpreters of the English Ambassadors, having always been free and exempt from all contributions and impositions whatever, respect shall in future be paid to the Articles of the Capitulations stipulated in ancient times, without the fiscal officers intermeddling with the effects of any of the interpreters who may happen to die, which effects shall be distributed amongst his heirs.

LX. That the aforesaid King, having been a true friend of our Sublime Porte, his Ambassador, who resides here, shall be allowed ten servants, of any nation whatsoever, who shall be exempt from impositions, and in no manner molested.

LXI. That if any Englishman should turn Turk, and it should be represented and proved, that besides his own goods, he has in his hands any property belonging to another person in England, such property shall be taken from him and delivered up to the Ambassador or Consul, that they may convey the same to the owner thereof. . . .

LXII. That for every piece of cloth, called *Londra,* which, from ancient times.

was always brought by the English ships to Alexandria, there should be taken in that place a duty of forty paras; for every piece of kersey six paras; for every bale of hare-skins six paras; and for every quintal of tin and lead, Damascus weight, fifty-seven paras and a half.

LXIII. That on afterwards transporting the said goods from Alexandria to Aleppo, there should be demanded, by the custom-house officers of Aleppo, for every piece of *Londra* eighty paras; for a piece of kersey eight paras and two aspers; for every bundle of hare-skins eight paras and two aspers; and for every Aleppo weight of tin and lead one para.

LXIV. That on the goods purchased by the aforesaid nation at Aleppo, there should be paid for transport duty, on every bale of unbleached linen, cordovans, and *Chorasani-hindi,* two dollars and a half; for every bale of cotton yarn one dollar and a quarter; for every bale of galls one quarter; for every bale of silk ten osmans; and for rhubarb and other trifles, and various sorts of drugs, according to a valuation to be made by the appraiser, there should be taken a duty of *three per cent.*

LXV. That on carrying the said goods to Alexandria, and there loading them on board their ships, there should be taken for transport duty, on every bale of unbleached linen and cordovans one dollar and a half; for every bale of *Chorasani-hindi* and cotton-yarn, three quarters; for every bale of galls one quarter; and for rhubarb and other trifles, and various sorts of drugs, after a valuation made thereof, there should be taken three quarters of a piastre: and that for the future no demand whatever to the contrary should be submitted to.

LXVI. That all commands issued by the Chamber contrary to the above-mentioned Articles should not be obeyed: but for the future, every thing be observed conformably to the tenour of the Capitulations and the Imperial Signet.

LXVII. It being stipulated by the Capitulations that the English merchants shall pay a duty of *three per cent.* on all goods by them imported and exported, without being bound to pay an asper more; and disputes having arisen with the customers on this head, they shall continue to pay duty as heretofore paid by them at the rate of *three per cent.* only, neither more nor less.

LXVIII. That for the *Londra* and other cloths manufactured in England, whether fine or coarse, and of whatsoever price, imported by them into the ports of Constantinople, and Galata, there shall be taken, according to the ancient canons, and as they have always hitherto paid, one hundred and forty-four aspers, computing the dollar at eighty aspers, and the leone at seventy, and nothing more shall be exacted from them; but the cloths of Holland and other countries, viz. serges, *Londrina* scarlets, and other cloths, shall pay, for the future, that which hitherto has been the accustomed duty; and at Smyrna likewise shall be paid, according to ancient custom, calculated in dollars and leones, for every piece of *Londra* or other cloth of English fabric, whether fine or coarse, one hundred and twenty aspers, without an asper more being demanded, or any innovation being made therein.

LXIX. It being registered in the Imperial Capitulations, that all suits wherein the English are parties, and exceeding the sum of four thousand aspers, shall be heard in our Sublime Porte, and no where else:

That if at any time the Commanders and Governors should arrest any English merchant, or other Englishman, on the point of departure by any ship, by reason of any debt or demand upon him, if the Consul of the place will give bail for him, by offering himself as surety until such suit shall be decided in our Imperial Divan, such person so arrested shall be released, and not imprisoned or prevented from prosecuting his voyage, and they who claim any thing from him shall present themselves in our Imperial Divan, and there submit their claims, in order that the Ambassador may furnish an answer thereto. With regard to those for whom the Consul shall not have given bail, the Commandant may act as he shall think proper.

LXX. That all English ships coming from the ports of Constantinople, Alexandria, Smyrna, Cyprus, and other ports of

our sacred Dominions, shall pay three hundred aspers for anchorage duty, without an asper more being demanded from them.

LXXI. That should any Englishman coming with merchandise, turn Turk, and the goods so imported by him be proved to belong to merchants of his own country, from whom he had taken them, the whole shall be detained, with the ready money, and delivered up to the Ambassador, in order to his transmitting the same to the right owners, without any of our judges or officers interposing any obstacle or hindrance thereto.

LXXII. That no molestation shall be given to any of the aforesaid nation buying camlets, mohairs, or grogram yarn, at Angora and Beghbazar, and desirous of exporting the same from thence, after having paid the duty of *three per cent.*, by any demand of customs for the exportation thereof, neither shall one asper more be demanded of them.

LXXIII. That should any suit be instituted by an English merchant for the amount of a debt, and the same be recovered by means of the assistance of a *Chiaux*, he shall pay him, out of the money recovered, *two per cent.* and what is usually paid for fees in the *Mehkemé*, or court of justice, and not an asper more.

LXXIV. That the King, having always been a friend to the Sublime Porte, out of regard to such good friendship, His Majesty shall and may, with his own money, purchase for his own kitchen, at Smyrna, Salonica, or any other port of our sacred Dominions, in fertile and abundant years, and not in times of dearth or scarcity, two cargoes of figs and raisins, and after having paid a duty of *three per cent.* thereon, no obstacle or hindrance shall be given thereto.

LXXV. That it being represented to Us that the English merchants have been accustomed hitherto to pay no custom or scale duty, either on the silks bought by them at Brussa and Constantinople, or on those which come from Persia and Georgia, and are purchased by them at Smyrna from the Armenians; if such usage or custom really exists, and the same be not prejudicial to the Empire, such duty shall not be paid in future: and the said Ambassador having requested that the aforegoing Articles might be duly respected and added to the Imperial Capitulations, his request was acceded to; therefore in the same manner as the Capitulations were heretofore conceded by our Imperial *Hatti-sheriff*, so are they now in the like manner renewed by our Imperial Command; wherefore, in conformity to the Imperial Signet, We have again granted these sacred Capitulations, which We command to be observed, so long as the said King shall continue to maintain that good friendship and understanding with our Sublime Porte, which was maintained in the happy time of our glorious Ancestors, which friendship We, on our part, accept; and adhering to these Articles and Stipulations, We do hereby promise and swear, by the one Omnipotent God, the Creator of Heaven and Earth, and of all creatures, that We will permit nothing to be done or transacted contrary to the tenour of the Articles and Stipulations heretofore made, and these Imperial Capitulations; and accordingly every one is to yield implicit faith and obedience to this our Imperial Signet.

13. CAPITULATION GRANTED BY SHAH SULTAN HUSAYN TO FRANCE
7 September 1708

[Translated from the French text in Count B. L. d'Hauterive and Baron F. de Cussy, *Recueil des traités de commerce de la France* (Paris, 1835), part 1, vol. 2, pp. 376–94]

The commercial relations of Persia with France began considerably later than those with England and the Netherlands (Docs. 3, 7–9), largely owing to the failures of successive French East India Companies in the first half of the seventeenth century. Instead, French reli-

gious orders—first the Capuchins, quickly followed by Jesuits, Carmelites, and Dominicans—established missions in Persia after 1628 with initial encouragement from Cardinal Richelieu. Throughout the remainder of that century, the religious interests of France bulked far larger in Persia than the commercial. Thus, even after the successful French East India Company (1664–1769) obtained *farmans* (royal decrees) in February 1665 and December 1671 investing French merchants with trading privileges comparable to those of the English and the Dutch, no advantage was taken of the opportunity to open up a Persian market. The conclusion of the 1708 treaty, on the invitation of Shah Sultan Husayn (1694–1722), represented a belated effort by King Louis XIV to make up for lost time. Sieur Michel, the French diplomat who negotiated the terms, returned to France in October 1709, but a French consulate was opened at Isfahan and another at Shiraz to handle French affairs. The Treaty itself proved disappointing to its authors, for despite the promise of preferential treatment French trade with Persia did not flourish. R. du Mans, *Estat de la Perse en 1660* (1890 ed.), i–cxv (introductory essay by C. Schefer); K. Bayani, *Les Relations de l'Iran avec l'Europe occidentale,* part 2, chap. 4; J. Thieury, *Documents pour servir à l'histoire des relations entre la France et la Perse,* chap. 2; M. Herbette, *Une Ambassade persane sous Louis XIV,* chap. 9; M. K. Sadre, *Relations de l'Iran avec l'Europe de l'antiquité, du moyen-age et la France des origines à la revolution de 1789,* part 2, chap. 3.

1. Merchants and others of the French nation who may come either by sea or by land to the ports and frontiers of the vast Persian Empire shall be pleasantly received and honestly treated by the *beglarbegis* (governors-general), *vazirs* (ministers), governors, officers and commissioners of the *divan* (treasury). This we herewith enjoin upon them as one of their principal duties, forbidding them to do anything that might be contrary to conditions of friendship, to tyrannize [or] to commit any excess against [French subjects], to covet their goods, or to exact anything belonging to them, whether merchandise or animals and carriages or anything else. Quite to the contrary, we order [Persian officials] to aid and help [French subjects] whenever they might require it, so that without fear or anxiety they will be free at all times to travel to every locality they choose without forcible exaction or insult. They may sojourn and remain as long as they desire in the ports and other places of our realm. Whenever they wish to leave, no one may hinder them. If something should happen to be taken from them by force or violence, after verification and conviction of the guilty, [the stolen property] shall be returned and the perpetrators fittingly punished.

2. The said Envoy, having demonstrated that the merchants would have to spend considerable sums in launching their enterprises and establishing commercial relations [between the two Empires], has requested that for several years they should be exempt from paying duty to the *divan* (treasury) for goods that they might import into Persia under the [present] Convention. But [the Envoy promised] that [the French merchants], in gratitude for the exemption, would remit to the Royal Treasury an honest and agreeable present. In order to favor even more the said Lord Emperor of High Dignity, we have promised that for a period of five years they should be exempt from the duties specified below. But after the said five years they will execute the conditions that are hereafter laid down and agreed upon for the import into the lands of our realm of merchandise and for its export to other Kingdoms.

3. It has been ordered and agreed that upon the ratification of the articles of this treaty of friendship and the arrival of the factory chiefs of the said Lord Emperor of High Dignity, if [the French merchants] should want to stay at Isfahan, the *vazir* and all the officers will assign to them from the Royal domain a suitable house in which they might reside and which, if they should desire, they might enlarge and repair as often as they please.

4. Whenever, following the arrival of the said factory chiefs and the ratification of the treaty, [the French merchants] should wish to erect hostels for their lodging in the ports of Bandar 'Abbas, Kung and Bandar Rig, they may purchase a house with the

consent of its owner and they may construct, with the knowledge of the governor and the commander of the said ports, a suitable hostel which can accommodate them comfortably and in which they will reside. They may not, however, erect it larger than ordinary houses and buildings. No one may compel [the French merchants] to sell any hostel constructed for their own lodging, when they might desire to leave; instead, it shall remain in such condition as will enable them to use it again upon their return.

5. The Envoy has requested that the merchants should be permitted to fly the flag of France from the roofs of such hostels as they might acquire in each of the ports, following the example of other Europeans. Although the English for some time have rendered important services and so-to-say have sacrificed themselves and although the Dutch have procured great advantages from which the *divan* profits and have placed great sums as gifts before this Throne which is the support of the world, so that they have raised themselves above their equals by this honesty and this mark of distinction. nevertheless, in order to favor the said Lord Emperor who has laid the foundations of our friendship, we have permitted and do now permit by these presents [French merchants] to fly their flag from each of the houses which they might acquire in the ports, in the manner of the other Europeans.

6. Since we and the officers of our August Throne recognize that the power, superiority, harmony, friendship and grandeur of the said Emperor of High Dignity exceed [the comparable qualities] of the other Kings in Christendom, we agree and permit the Ambassadors and Envoys of that Lord Emperor to receive the honors and ceremonies suitable to each, whenever they might come to our Paradise-like Audience Chamber.

7. It has been agreed that French merchants may import into and export from Persia wares of gold and silver in the amount of 300,000 Sevillian piasters, each piaster worth 100 dinars and the total 2,100 tomans. The present article [confers upon French merchants the right] to deal in wares of gold and silver. Concerning other kinds of merchandise, it has been agreed that:

8. Merchandise, from the Indies and other countries, which they might import into Persia will be valued at 100,000 piasters, which make 7,000 tomans.

Merchandise from Turkey and Europe, such as cotton and woolen cloth and other varieties [of goods] which have nothing in common with imports into Persia from the Indies, will be valued at 200,000 piasters, which make 14,000 tomans.

French merchants may bring each year from their country to Persia either by sea or by land the sum of 100,000 Sevillian piasters and the value by weight of 50,000 piasters in silver ingots and additionally 60,000 gold sequins or the equivalent by weight of unminted gold ingots, on condition that both the piasters and the gold will be taken to our royal mint and will be sold to the royal treasury without delay at the prevailing price for the equivalent value in Persian currency. In the same manner the sequins will be sold for their [equivalent] value [in Persian currency]. If during the year [French merchants] should want to take sequins to the Indies, they must count the sequins in the presence of the governor and of the mint-farmer. [The merchants] will be allowed to export no more than 30,000 sequins to such country as they wish; for these 30,000 no conditions will be stipulated. After the officers of the pertinent commissioner will have affixed their seals at the opening of the sacks, [the merchants] will be allowed to carry the sacks wherever they desire but will not be permitted to take out of the [Persian] Kingdom an amount greater [than 30,000 sequins]. The surplus must be sold in Persia, for if they wish to take it elsewhere, they shall pay to the *divan* a duty of three per cent. Nor will they be permitted to take out of the Persian Kingdom silver or gold in unminted ingots, unless they pay to the *divan* the same duty of three per cent and a supplementary duty of one per cent as well as several other duties. However, since the [French] Envoy has requested a re-

mission of some part of the duties, it has been agreed, as a token of favor to the Lord Emperor, with the approval of his Envoy, that the merchants shall pay a duty of three per cent for the import and three per cent for the export of piasters, sequins, gold, silver, cloth, aromatic drugs, cottons, woolens and other items whose value and quantity have been specified above and all kinds of goods that they may bring to Persia. In making this payment to the *divan,* they shall obtain a receipt stamped with the commissioners' seal, on condition that the varieties of merchandise, if transported by sea, will be inspected in the presence of the customs officials in the port and, if transported by land, in the presence of the *beglarbegis,* governors, commanders and persons responsible for [conducting] the affairs of the Kingdom. After the opened parcels of merchandise and specie of gold and silver have been inspected, a clear, detailed and specific statement of all items must be stamped with the seal of the *divan's* commissioners. Without the seal, the items may neither enter nor leave [the country]. Those items brought to Isfahan will be inspected by the *divan's* officers and commissioners in that city. The merchants will present a statement of their wares to the said officers and will receive from the latter another stamped statement, listing the quantity of effects, gold and silver as well as merchandise and textiles. If the merchants should bring to Persia goods and provisions in greater quantity than agreed upon, they will pay to the *divan* the duty of each, whether import or export, at the rate of one-tenth in accordance with the usage of the land.

9. Of all the goods that the merchants may import into or export from Persia every year by whatever route, half when going and half when coming, the quantity equal to 500 loads shall be exempt from the duty of the *rahdars* (guardians of the roads). The latter will not be allowed to charge anything for this quantity, on condition that the merchants have in hand a statement signed by the officers and commissioners of the *divan* in each place and bearing the number of parcels. If more should be found, the surplus will be subject to the ordinary duty of the said *rahdars.*

10. As much food as [the merchants] require for their sojourn in the cities and for their travels will be furnished against payment. Animals for haulage [will be provided] also at the same rate of hire and will be sold at the same price that they are ordinarily furnished to Muslims. [The merchants] may not be abused with requests for greater payment.

11. No tribute or *kharaj* (capitation tax) will be imposed on French subjects or French merchants or any Europeans who may be with them or their interpreters or household servants or Armenians or Indians, up to twenty persons, who may be in their retinue.

12. All the various goods that may be imported into Persia and exported from Persia to other Kingdoms shall be appraised and estimated at the prevailing rate. The [merchants] will pay duties in proportion to the destination. If they should want to pay the duties in merchandise instead of in ringing specie, they shall not be compelled to pay in minted silver.

13. After [the merchants] have paid the duties required in a port or other locality for the goods that they may import into Persia or export from Persia to such place as they please and after they have obtained the receipts from the *divan's* commissioners, nothing additional will be requested in any place for these goods.

14. Since the Emperor of High Dignity has promised in the letter that he wrote to our Sacred Majesty to carry out our requests, a memorandum sealed by the Ministers of this Magnificent Crown has been handed to the Envoy, so that His Majesty, following [the ratification of] the convention, may cause to be executed that which is contained in the said memorandum.

15. The diverse goods, piasters, gold, silver and materials which Frenchmen may bring will be sold with their consent at current prices. They will not be compelled to have the piasters or the gold minted.

16. If some difficulty should arise between two Frenchmen, the Consul shall see

to it that their differences are settled according to the maxims of their law. If a difference should arise between Frenchmen and other nations, the Governors and officers of the land will establish the truth of the matter in the presence of the Consul and will settle it in conformity with Muslim justice and universal truth.

17. If a difference should arise between the Consul who is the chief of the French merchants and a person of some other nation, the Muslim judges will not be empowered to summon [the litigants] before them or before their *divan* (tribunal), without a prior request to the Sublime Throne. The said judges also will not place the seal of their authority upon the houses of Frenchmen. But after having submitted their request [to the Persian King], they will do as they have been commanded.

18. If an act of murder should occur among Frenchmen, the Consul will judge according to his maxims. If one should occur between Frenchmen and Muslims or other Europeans, the officers of Muslim justice will draw up the information according to Muslim maxims in the presence of the Consul. Frenchmen will not be imprisoned or fined without proof and conviction.

19. If a French vessel, having suffered in a storm, should encounter danger, the commanders and subordinates of Persian and European ships will give all manner of aid and help. The captains and chiefs of French factories, when in need, will also receive aid and help, paying the expenses incurred on their behalf. The effects and goods salvaged from the sea shall be returned without special payment.

20. If a French merchant in the course of commercial transactions should contract a debt and become insolvent, with no [other] Frenchman as guarantor of the debt, repayment may not be demanded from other Frenchmen, for this is contrary to justice and to the religion of the Twelve Imams [Shi'ah Islam], which it is forbidden to violate. It is thus prohibited to exact from the [French] nation [the sum of] the loan contracted by the individual, under the pretext that he is a Frenchman. The judges of civil justice may not press [the French nation] in this matter. If an individual of the said nation should happen to die in Persia, the stipulations of his testament will be executed without modification. If he should die intestate, his effects and clothing will be placed in the custody of the Consul. Persian officers will not be allowed to take [formal] cognizance thereof, unless it is conclusively proved by legal means that [the deceased] is in debt. In such a case the debts will be paid with the movable [property] that [the deceased] may have left behind. The remainder will be given to the Consul, and no one will be allowed to interfere or to dispose of the goods or to seize the effects, without conclusive proof.

21. The consul and the interpreter of the French nation will inform the *shahbandar* (mayor or warden of a port town) or the judges or the *vazirs* or the *darugahs* (police officials) of [all instances] of purchase, sale, interest, trade and endorsements [for debts among French merchants] and apprise [the Persian officials] of the manner in which each transaction was concluded. [The Consul and the interpreter] will obtain an authentic receipt, of which [the Persian officials] will retain a copy for registration purposes and for reference when the need may arise. If someone should cause the French merchants anxiety on this account, he may not sue them upon simple allegation. If a Muslim should assert that a Frenchman has caused him injury or has said unreasonable things to him, no anxiety will be caused to the Frenchman on this account, without conclusive judicial proof, since the complaint might have resulted from hatred and enmity.

22. If an enslaved Frenchman who had not become a Muslim should be found in the possession of a non-Muslim nation, he will so inform the Consul or factory chief, who will notify the *beglarbegi* or the judge of the province where he may happen to be. [The Persian official], after establishing the truth, will deal justly with the slave as required by right and equity. If Frenchmen should be taken as slaves on the coast of Turkey or elsewhere for sale in Persia and if these slaves should be recognized by

Frenchmen as members of their nation, the masters will be obliged to surrender the said slaves—provided they have not embraced the Muslim religion—to the Frenchmen and will receive as reimbursement the price of purchase.

23. A factory chief, captain or Consul may reside in any port of Persia. When the Lord Emperor of France should [decide] to transfer them and appoint others to the posts, the [Persian] Governors will be obliged to render the same honors to the new incumbents as were accorded to the old and to behave toward them in all matters with honesty and civility in conformity with this Treaty.

24. If a suit should be brought against a Frenchman, the plaintiff will refer his complaint to the judge of the locality. The judge will summon the Consul's interpreter and will send him to the Consul to settle the differences. If the Consul should be preoccupied with some other problem or if his interpreter should be absent and unable at the time to attend to the matter, [the Consul] will be given as much time as possible to complete his [other] business. But he will submit a written statement, so that, if the suit is not settled by the time of the expiration of the deferment, the [Persian] judge may deal reasonably with it.

25. Whenever French merchants may travel in Persia, they will be assisted by [Persian] commanders and by *rahdars* (guardians of the roads). If thieves should steal anything from them in transit, the said officers will be obliged to find and arrest the thieves and to return to the Frenchmen the stolen objects. If the thieves cannot be apprehended, the said officers, after conclusive proof, will be bound to make full restitution from their own resources.

26. Since under the reigns of our illustrious ancestors—may God illumine their graves!—several European ecclesiastics were received in Persia and edicts issued that they should be well treated, the Lord Emperor of France has requested, through the mouth of his Envoy, [comparable arrangements for the future]. We therefore promise that European bishops and ecclesiastics residing anywhere in our Empire will be free to devote themselves to their prayers and to exercise their religion in the places and houses where they may be lodged without let or hindrance, on condition that outside their houses they shall do nothing which may be contrary to the religion of the Twelve Imams. No one may violate the edicts that have been issued on behalf of the Europeans living in Nakhichevan and other localities of our Empire or cause them anxiety. Furthermore, we promise to confirm and ratify the edicts that have been issued on their behalf by our predecessors. If ecclesiastics of the Armenian nation or those of the other European nations should unjustly and unreasonably attack or mistreat [French clerics] in their district, they will be required, after conclusive proof, to pay to the Royal *divan* a fine of fifty Tabrizi tomans. Carmelite, Dominican, Capucin, Augustin, Jesuit and other ecclesiastics established in the regions of Shirvan, Khalkhal, Ala Shur, Karabagh, Azarbayjan or Media, Isfahan, Tabriz, Tiflis, Ganja, Erivan, Nakhichevan, Shiraz, Bandar 'Abbas and in other regions and towns of our realm will be free to live in these localities and wherever else they may deem fit. No one may oppose or hinder the Armenians and Christians and their children, if they should want to go and study with [the ecclesiastics] and listen to their lessons. Members of the [French] nation will be free to bury their dead in cemeteries set aside for them in accordance with their own religious customs. They will be free to present their complaints and to receive merited justice. If contrary to right and reason someone should deal with them unjustly, he shall be fined, chastized, corrected and reprimanded, as he deserves.

27. We permit the Consul of France and the ecclesiastics in the houses designated as their lodging to make as much wine as they require for their own use, provided that they alone drink it and that they refrain from selling it to any Muslim. Apart from the 250 loads of merchandise and effects which we have exempted from the duties of the *rahdars* (guardians of the roads), we now add to the list wine, rose water and *turshi* [pickles] (the last produced in

Shiraz), which they may take to their vessels in the same tax-exempt quantity. No one may cause them anxiety, provided they refrain from taking to their vessels other foods not stipulated above. When the said foods are transported within Persia from town to town for the use of [French] officers and servants, no duty will be exacted from them.

28. Frenchmen will be permitted to buy eight stallions and four mares each year, with the consent of those to whom the animals belong, after inspection by His Excellency the *Mir Akhur Bashi* (Grand Equerry) at Isfahan and by the judge or governor elsewhere, provided that the horses are not from the King's stables or stud-farms. Frenchmen will be free to transport the animals to France without interference.

29. If a Frenchman should want to marry in our Kingdom and ask in marriage a Christian or an Armenian girl or another of the religion of Jesus, he will encounter no difficulty. If one of the two should die without having designated a guardian for the children of this marriage, they will be placed in the custody of the Consul, who may send them to France, if he should judge it proper.

30. The Envoy has promised that Frenchmen will receive on their vessels, at the ordinary passenger fare, Persian merchants and traders who may be in Hindustan or in other lands under the hegemony of other Kings and who do not dare to cross the seas for fear of enemies or pirates. The merchants and their goods will be protected and brought [safely] to Persia.

31. All this has been written down and prescribed, so that the provisions will be executed in perpetuity from reign to reign between the two Emperors and no one, whether soldiers or civilians, merchants or other subjects of the said Empires, may violate [the undertakings].

A memorandum has been drawn up and given to the ministers of this Heaven-like Throne for registration in the permanent archives and preservation among the royal protocols, so that the Lord Envoy's consent to the execution of certain articles of the agreement might become a matter of public knowledge. Our August Majesty, also in conformity with the said Lord Envoy's consent, have promised and do now promise that the magnificent *beglarbegis, amirs* (chief military officers) and illustrious judges, the *vazirs* and all our venerable commanders and officers as well as the *darugahs, shahbandars,* caravan leaders, and all the officers of *divan* (treasury) affairs in the provinces of the Kingdom will faithfully observe the Treaty that has just been concluded between Our August Imperial Majesty and the Very High and Excellent Emperor of the elevated throne, crowned by the Sun, the Emperor of France. We thus command, order and enjoin them to take care not to violate the provisions of the said Treaty and that, guided by all the points and articles in conformity with the exact observation of friendship and union, they do nothing against the good and sincere understanding but that they observe this Treaty which is the foundation thereof. Those who transgress the articles specified above shall know that they incur the anger and indignation of Our Redoubtable Majesty. Let them consider these articles indispensable orders that are to be executed in general and in particular, so that it may not become necessary to renew them each year by an edict to that effect. Therefore, as soon as the necessary command of obedience, august in this sovereign and happy order, will be adorned, garnished, adjusted, embellished and demonstrated by the authentic, sublime, formidable and most holy, most elevated, most redoubtable, most superior seal, let faith be added thereto.

14. OTTOMAN TERMS OF PEACE ACCEPTED BY RUSSIA AT PRUTH 10/21 July 1711

[Translated from the French text in Edward Hertslet, *Treaties, &c. between Turkey and Foreign Powers 1535–1855* (London, 1855), pp. 434–35]

After conquering Azov from the Ottomans in 1696, Tsar Peter I, in renewed fighting a decade and a half later, faced ignominious defeat at the hand of his southern neighbor and sued for peace. The terms, dictated by the Ottoman plenipotentiary at the Pruth River, although severe, proved far less exacting than the Russians had anticipated. The stipulations at Pruth provided the basis for the definitive peace, signed at Adrianople on 22 June/3 July 1713 (French text in Hertslet, *op. cit.*, pp. 440–45), which delayed for more than sixty years the acquisition by Russia of the outlet it sought on the Black Sea and for seven years the restoration of a permanent diplomatic mission at the Sublime Porte (Ottoman Imperial government), originally procured in 1701. B. H. Sumner, *Peter the Great and the Ottoman Empire,* chaps. 1–2, 5, 7–9; M. T. Florinsky, *Russia, a History and an Interpretation,* vol. 1, pp. 335–45; H. Übersberger, *Russlands Orientpolitik in den letzten zwei Jahrhunderten,* pp. 49–118.

Since it has pleased God, the Sovereign Master of the Universe, to allow by His wise providence and His infinite mercy the victorious armies of the believers to encircle the Tsar of Russia and all his troops on the banks of the Pruth [River], where they have been so defeated that his Tsarist Majesty has been forced to seek peace and to sue for it publicly, this is the real reason which caused us to write these presents, the conditions of which are expressed as follows:

ART. 1. The fortress of Azov shall be returned to the Ottoman Empire in the state in which it was when captured with all its dependent lands and jurisdictions.

ART. 2. The three fortresses of Tychan [Tsaritsyn?], Kamenny Zaton and the new one [Taganrog] built near the Samara [River] shall be demolished. The cannon of the last-mentioned fort with all its ammunition shall be surrendered to the Empire. The rebuilding of forts in the three places mentioned shall never be allowed.

ART. 3. The Tsar shall refrain from molesting in any manner in the future the Barrabas and Potkali Cossacks, subjects of Poland, and those dependent on the very powerful Han Devlet Girey, Prince of the Crimea. The said Tsar shall let them enjoy their places of habitation, as always defined in the past.

ART. 4. In the future, with the exception of merchants who travel, the Tsar shall have no one in residence at Constantinople on his behalf with the rank of Ambassador or Minister.

ART. 5. All Turks who have been taken prisoner or enslaved, whatever their number, shall be freed, and returned to the Sublime Porte.

ART. 6. Since the King of Sweden has placed himself under the favorable protection of the Sublime Porte, no hindrance shall henceforth be caused him. When he may want to return to his states, he shall not be caused anxiety en route. Similarly, if he cannot [return], peace shall be concluded between the parties, once agreement can be reached on the conditions.

ART. 7. The Sublime Porte for its part and the Russians for theirs shall promise that the inhabitants, subjects or other persons who may be under their protection shall nowhere be molested or caused anxiety. It is stipulated, however, that the Most Serene, Very High, and Very Clement Emperor, our very Clement Lord and Master will be supplicated to forget the irregular behavior of the Tsar and, at God's good pleasure, to ratify at Constantinople the treaty of alliance, a copy of which will be delivered to the Tsar, since he undertook on this basis to accept the obligation, approved in accordance with our full powers. The above articles will be executed after [the Sublime Porte] has received the hostages and four written engagements from the said Tsar who will be permitted to withdraw to his states, without fear of trouble

from the Tatars or other troops. As soon as the above conditions are implemented and the capitulation made and accepted, the Sublime Porte will allow Baron Peter Shafirov, chancellor and secret counselor of the Tsar, and Major-General Michel Borisovich Shermetev to return to their country without delay, after they have fulfilled the obligations for which they remained with our victorious army as hostages of the Tsar. To this end the present article has been inserted.

15. TREATY OF FRIENDSHIP AND COMMERCE: FRANCE AND PERSIA

13–15 August 1715

(Confirmed by Shah Sultan Husayn, 20 June 1722)

[Translated from the French text in Count B. L. d'Hauterive and Baron F. de Cussy, *Recueil des traités de commerce de la France* (Paris, 1835), part 1, vol. 2, pp. 402–10]

"In 1708, M. Michel, sent out by Louis XIV, concluded a treaty with Shah Sultan Husein; and in 1715 Le Grand Monarque," pithily observed the Hon. George N. Curzon (*Persia and the Persian Question,* vol. 2, p. 549), "was humbugged into signing another at Versailles by a Persian adventurer, named Mohammed Reza Bey." There is, indeed, basis for questioning the authenticity of Muhammad Riza's credentials. But the fact remains that the shah ratified the terms of the treaty in 1722. The French negotiators agreed to limited, but nonetheless reciprocal, exterritorial privileges for Persian merchants in France. Shah Sultan Husayn's surrender to the Afghan invaders in the fall of 1722 terminated the Safavi dynasty's rule over a united Persia, so that the terms of the 1708 and 1715 agreements were not binding on later Persian monarchs. For references, see Doc. 13, particularly, M. Herbette, *Une Ambassade persane sous Louis XIV.*

1. THE TREATY OF FRIENDSHIP AND COMMERCE, 13 AUGUST 1715

ART. 1. The 1708 Treaty shall remain in force and shall be executed in all matters that are not contrary to the new articles below. With respect to those of its provisions that may be found contrary to the aforesaid articles, it shall remain null and without effect.

2. Frenchmen and others, engaging in commerce in Persia and bearing a French passport, may import into or export from all the states under the hegemony of the King of Persia all sorts of merchandise in whatever quantity they deem desirable either by sea or land from the Indies or from Europe, paying neither entry nor exit duties to the King of Persia or to the Governors of provinces and localities [or to] Persian Lords and communities possessing the right to exact duties from other nations.

3. If they should not find in Persia wares suitable for their commerce, they may exchange their gold and silver materials for sequins or other money which they may take away with them wherever they judge appropriate without paying any duties and without being compelled to take the said materials to the mint.

4. The King of Persia will have the French merchants in his capital, in the ports of the Persian Gulf and on the boundaries of Turkey and Georgia provided with buildings suitable for accommodating them and the Consul of the French nation and their factories and storehouses without requirement of paying anything or offering any presents, and they will be allowed to fly therefrom the flag of France.

5. The Ambassador of His Very Christian Majesty will enjoy first honors and precedence over all the other Ambassadors at the court of the Kings of Persia. The Consuls, agents directors, and factors of the said merchants in like manner will enjoy precedence over all those of other nations.

6. The exemption from the capitation tax, from the duty of *kharaj* and from all

other tributes and duties, granted to Frenchmen by article 11 of the Treaty of 1708, shall have effect for all Frenchmen generally and for all their servants and slaves without limit.

7. Materials and goods which they may import or export will not be subject to inspection. The drivers thereof, provided with receipts certified by the Consul of the French nation, will be free to bring [the wares] in or take them out of the states under the domination of the King of Persia and to transport them from one place to another, without trouble or hindrance from the road guards [*rahdars*], who may not exact any duty or presents therefor, under penalty of their life.

8. If any presents for whatever cause or under whatever pretext should be exacted from French merchants or from others provided with French passports, the King of Persia will have [the presents] returned. If anything should be taken from them in their houses or while they travel, the officers of the locality in charge of public safety will be held responsible for returning to the Frenchmen the stolen objects. Otherwise the value will be paid to [the Frenchmen] out of the funds of the domain of the King of Persia.

9. Frenchmen will be allowed to buy stallions and mares in the States of the King of Persia in such number as they may find convenient. They will be permitted to export [the animals] to their own country or to the Indies, however not before they have passed inspection by the Grand Equerry (if it is at Isfahan) or by the governor of the city or of the district (if it is in another locality). The horses, moreover, may not come from the stables of the King of Persia or from his stud-farms. [Frenchmen] will not be compelled, in return, to hand out presents.

10. Civil or criminal differences that may arise between Frenchmen and members of another nation will be investigated and decided by the officers of Muslim justice. However, the case will be neither investigated without [the participation of] the Consul of the French nation nor decided except in his presence or in the presence of such other person as he may commission, if he himself should be unable to assist in the matter. Differences that may similarly arise between the Consul or the interpreter of the French nation and persons of another nation will be decided by the King of Persia himself. The judges of the locality may not take formal cognizance of such cases nor may they, in any case, affix their seal upon the houses where the Frenchmen live.

11. Besides the immunities, franchises and privileges accorded to Frenchmen by the Treaty of 1708 and by the above articles, it has been agreed that they will enjoy all the other privileges, immunities, franchises and exemptions that may hereafter be granted to other nations for whatever reason. . . .

2. SEPARATE ARTICLES OF THE PRECEDING TREATY, 15 AUGUST 1715.

In addition, the said Ministers and Commissioners of His Imperial and Very Christian Majesty, in virtue of their full powers, have agreed on the following articles in favor of the Persian merchants.

ART. 1. Persian merchants, verily coming from the States of the King of Persia to the port of Marseille, will enjoy the same privileges and exemptions as the other merchants subjects of His Very Christian Majesty, on condition, however, that they may not bring to France any goods whose entry is forbidden; that they will use French ships to transport the permissible goods; and that all the goods will be products of the States of the King of Persia, proved by a certificate that they will arrange to obtain from the Consul of the French nation.

2. [The Persian merchants] may have in Marseille a Consul of their nation to whom the King will have a house given for [the Consul's] residence. The said Consul will enjoy exemption from the capitation tax.

3. The Consul will have sole right to decide any differences that may arise among Persian merchants. Investigation and decision of differences that may arise between Persians and subjects of His Very Christian Majesty or members of another nation,

will belong to the judges of the locality established by His Very Christian Majesty. If a French merchant, debtor of a Persian, should happen to become bankrupt, the rights of the Persian will be guaranteed, and he will be permitted to exercise them against the person and the goods of the debtor in the same manner as the subjects of His Majesty and in conformity with the rules established in the Kingdom for such cases.

4. If a Persian merchant should happen to die in France, where he was engaged in commerce, his goods and effects will be placed in the custody of the Consul of [the Persian] nation for the heirs of the deceased. However, if it should be proved that the deceased was indebted to a Frenchman or to someone of another nation, the creditor will receive payment of his debt before the Persian consul may dispose of the goods and effects.

16. RUSSO-OTTOMAN TREATY FOR THE PARTITION OF PERSIA'S NORTHWEST PROVINCES
13/24 June 1724

[Translated from the French text in Gabriel Effendi Noradounghian, comp., *Recueil d'actes internationaux de l'empire ottoman* (Paris, 1897), vol. 1, pp. 233–38]

The abdication of Shah Sultan Husayn on 22 October 1722 at Isfahan brought the Safavi dynasty to its humiliating end. The capital had suffered some seven months of siege by Afghan troops under the command of the rebel Ghalzay chieftain of Qandahar, Mir Mahmud, who proved himself incapable of uniting the country. The sharpened competition for the spoils between the Ottoman Empire and Russia contributed substantially to the resulting chaos. Russo-Ottoman rivalry focused on the Transcaucasian districts. Tsar Peter I (1689–1725) seemed determined to transform the Caspian Sea into a Russian lake. But the Ottomans had already taken under their protection the Sunnis of Shirvan, recognizing as their khan or tribal leader, Hajji Daud, with Shamakhi as his headquarters. Russia signified its claims in an agreement—never ratified—of 23 September 1723 with Tahmasp, son of the former shah. Russia agreed to assist Tahmasp in crushing the Afghan rebellion in return for Darband, Baku, and their surrounding areas, together with the provinces of Gilan, Mazandaran, and Astarabad along the southern Caspian shores. To prevent a head-on clash between Russia and the Ottoman Empire, the French ambassador at the Sublime Porte, the Marquis de Bonnac, mediated the dispute, inducing the two powers to divide between them the Transcaucasian and western provinces of Persia, and to recognize Tahmasp as shah if he endorsed the treaty terms. A Russo-Ottoman war was thereby averted, but the dismemberment of Persia proved short-lived. Of longer-range significance, the following treaty represents one of the earliest examples of the application of European practices to boundary demarcation in the Near and Middle East. L. Lockhart, *Nadir Shah,* chap. 1; C. Schefer, *Mémoire historique sur l'ambassade de France à Constantinople par le Marquis de Bonnac,* pp. l–lxxviii, 155–284, especially pp. 275–80; M. L. Shay, *The Ottoman Empire from 1720 to 1734,* chap. 4; M. A. Hekmat, *Essai sur l'histoire des relations politiques irano-ottomanes de 1722 à 1747,* pp. 83–169; J. Hanway, *An Historical Account of the British Trade over the Caspian Sea,* vol. 3, an abridgment with inadequate acknowledgment of L. A. de la Mamye-Clairac, *Histoire de Perse depuis le commencement de ce siècle* (Paris, 1750), 3 vols.; G. B. Malleson, *History of Afghanistan,* chap. 7 (drawn from Hanway).

ART. 1. The Lazgis of the province of Shirvan having as Muslims asked for the protection of the Sublime Porte, the latter has granted them protection and suggested as Khan one Daud, giving him credentials and assigning him Shamakhi as residence. In order that this town, the Khan and the peoples under him may have their frontiers known, the following is agreed upon: Riders provided and furnished with good and accurate timepieces will proceed on horseback, at a trot, along the quickest route from Shamakhi to the border of the Caspian Sea; upon [their] arrival at that sea

the number of hours taken from Shamakhi will be calculated. That number will be divided by three; the riders will return by the same route and upon completing two thirds of it will post a marker at that point. One-third—from that post to Shamakhi—shall belong to the Sublime Porte under the government of the said Khan; the other two-thirds located between the post and the sea shall belong to His Tsarist Majesty. Similarly, riders will proceed from the town of Darband beginning at the seacoast and moving toward the interior of the country, on horseback at a trot, for a period of twenty-two hours at the end of which a marker will be posted. From the marker placed between Shamakhi and the sea, a straight line will be drawn, with a sufficient number of small markers, to the marker placed at 22 hours' distance from Darband. Another marker will be placed at the point where the frontier of Shirvan ends and at the point reached in trotting for twenty-two hours in a straight line from the seacoast to the interior. Similarly, riders will proceed at a trot from the marker placed in leaving from Darband to the marker placed at the frontier of Shirvan, this line being thereby indicated with several small markers. From the marker placed near Shamakhi, in following the line up to the frontiers of Shirvan, all areas toward the interior from Shirvan shall belong to the Sublime Porte; the rest from the line to the Caspian Sea shall remain to the Tsar. A straight line will be drawn from the marker placed between Shamakhi and the Caspian Sea to the point where the Aras River flows into the Kura River; this line will serve as a boundary, so that all areas between the line and the interior shall belong to the Sublime Porte and all that are located from the line up to the Caspian Sea shall belong to the Tsar. But since at the point where the Aras flows into the Kura the territory belongs in part to the Sublime Porte, in part to the Tsar and in part to Persia, thereby constituting a point where three frontiers join, the Sublime Porte is free to build a fortress there and to furnish it with a garrison. The said Tsar is also at liberty to build a fortress on his territory. These fortresses shall, nevertheless, be established with the reciprocal knowledge of the two parties and shall be erected at three leagues from the frontier. In order that the boundaries may be determined in equity and good faith and in order that the necessary markers may be placed, the parties will appoint mutually acceptable commissioners [who are] honest and peace loving and [who have had] prior experience in similar occupations. And since this treaty has been concluded through the mediation of the King of France, the two parties request that a third person be added for [assisting in the proposed] partition and [in the] establishment of the boundaries between the two Empires through his mediation. When, with the help of God, the boundaries will have been fixed by the two parties and their commissioners will have framed an instrument to this end, its contents shall be explicitly observed in good faith and without difficulty. And since there are few strong points on these new frontiers, the two parties are permitted to construct fortresses in their respective territories for the safety of their subjects, and to maintain garrisons on condition that they are located three leagues from the frontiers.

ART. 2. Since the Sublime Porte considers the areas belonging to it in the province of Shirvan as a special government having its special Khan, as stated above, Shamakhi shall be the residence of the Khan who will govern the areas in the province of Shirvan belonging to the Sublime Porte. Shamakhi will remain in its former state without the erection of new fortifications, and the Sublime Porte will not furnish it with a garrison or send troops or a military command there, unless the Khan appointed by the Sublime Porte should renounce his loyalty and plot rebellion. If, without the knowledge of the Sublime Porte, difficulties, disorder and confusion should arise; if, for example, its subjects should wish to lay siege to or disturb the countries and regions belonging to the Tsar, the Sublime Porte will be responsible for taking remedial action to reestablish order and to punish the authors as disturbers of the public

peace. In consequence, [the Sublime Porte], after notifying the Russian commanders, will be allowed to send troops beyond the Kura to suppress any confusion, revolt and disorder; thereafter it will immediately evacuate its troops without excepting a single military or civilian officer. And since the Sublime Porte controls the entire province of Georgia where many garrisons with commanders named by the Sublime Porte are located, if it should become necessary to send a large number of troops to maintain order there, provisional notice will be given to the commanders appointed by the Tsar on the Caspian Sea in order to avoid any suspicion. These troops may cross the Kura River at any point of their own choice. If the troops should be obliged to move close to the Russian frontiers, the [Ottoman] commanders shall receive the strictest orders to supervise their subordinates so that the frontiers of the Tsar will suffer no damage.

ART. 3. Concerning the frontiers of the provinces conquered by the Sublime Porte in the Persian Empire, the following is agreed upon: Starting at the town of Ardabil which remains to Persia, riders will proceed at a trot for one hour toward Tabriz where a marker will be placed. From there a line will be drawn to the point where the three frontiers meet. All the points on the side of the line where Urdubad and Tabriz are located, such as Urdubad, Tabriz, Lake Tabriz [Urumiyah, now Rizaiyah], Marand, Maraghah, Urumiyah, Khuy, Churas, Salmas and other areas in the province of Azarbayjan with their dependencies as well as points located on this direct line, Ganja, Barda'a, Karabagh, Nakhichevan, the towns of Erivan and Uchkelis and all the towns and inhabited places situated in the province of Erivan shall belong to the Sublime Porte. Similarly, a line will be drawn from the marker placed at an hour's distance from Ardabil in a straight line to Hamadan; all the inhabited places and villages indicated by that line with all their dependencies as well as Hamadan itself with its dependencies shall belong to the Sublime Porte; from Hamadan, the line goes to Kirmanshah which the Sublime Porte already possesses. Such shall be the frontier. And since the territories of Ardalan and Kurdistan are located on this line as well as all the other provinces and towns with their dependencies and districts which the Sublime Porte already possesses, all these territories shall remain in the possession of the Sublime Porte; and this, as in the manner stated above, starting at the point where the two rivers meet and proceeding to Kirmanshah; all the provinces located beyond the two lines drawn from the marker placed one league from Ardabil, and from the point where the three frontiers meet, shall remain the possession of the Sublime Porte; but the provinces situated on the Caspian Sea shall belong to the Tsar. Those located on that sea from the point where the two rivers meet to Kirmanshah, beyond the line drawn, shall remain to Persia as a buffer between the Sublime Port and His Tsarist Majesty.

ART. 4. The Sublime Porte has sent a large army comprising three corps for the purpose of conquering the Persian provinces and by this means has already brought under its control many areas. Since the Tsar is the eternal friend of the Sublime Porte, he promises through mediation (in virtue of the treaties concluded with Tahmasp [the son of former Shah Sultan Husayn] to liberate him from the hegemony of the Sublime Porte) to see that Tahmasp gives up, either voluntarily or under compulsion all the provinces named in Article 3. But if Tahmasp should oppose stubbornly the implementation of this treaty and refuse to surrender the provinces already conquered by the Sublime Porte from the Persian Empire, as well as those on the Caspian Sea which he has granted to the Tsar under the treaties concluded between His Tsarist Majesty and Tahmasp, the Tsar and the Sublime Porte will take common action to place the Persian Empire, apart from the provinces already partitioned between themselves, under one ruler who shall possess it in perpetuity with full and complete sovereignty, without dependence in any manner on another power and without any part

thereof ever being detached by the Osmanlis or the Russians. But if Persia should undertake hostile action against any of the above-named provinces which the two Empires have conquered, the two Empires will unite to obtain redress with their combined forces.

ART. 5. If the provinces named above in Article 3 as belonging to the Sublime Porte are handed over to the latter without difficulty by Tahmasp through the mediation of the Tsar, the Sublime Porte will recognize Tahmasp as the Shah of Persia, render him all assistance, in fact come to his aid and address an imperial letter to him at the conclusion of peace. In conformity with the treaty concluded between His Tsarist Majesty and Tahmasp, His Tsarist Majesty will send the latter effective help and will fulfill his obligations, so that the Empire of Persia and the residence of Isfahan might be returned to him as a legitimate inheritance and taken away from the usurper Mir Mahmud. If, in that event, Mir Mahmud, son of Mir Ways, should oppose the Sublime Porte in any way or resort to fighting, and if it should consequently become necessary because of the duties of religion to send troops, the Sublime Porte will also act against him in accordance with the rules of the faith, will help in his expulsion from Persia, and will participate insofar as it lies within its power in crushing the rebellion and the hostilities to the last spark. In consequence, it will join the Tsar and will act in concert with him. When Isfahan has been liberated, the Sublime Porte, being at peace with Tahmasp, will act in concert with the Tsar and in conformity with this treaty to place the said Tahmasp on the throne of Persia.

ART. 6. If Tahmasp should refuse to surrender the provinces which through the mediation of the Tsar are to fall to the Sublime Porte or which have been forever surrendered to the Tsar, the two Powers will each first take the share belonging to it and, after pacifying Persia, will transfer the absolute and independent government of Persia to a Persian-born individual whom they may consider worthy of the position, and they will strengthen him on his throne; no one shall interfere in his affairs, major or minor, and he shall be honored, recognized and treated as ultimate sovereign; and in order that he might be able to reign in peace and without fear, the two powers undertake to reject any representation from Mir Mahmud and to make no arrangement whatsoever with him.

CONCLUSION

Since this treaty has for its purpose that all provinces of Persia that may fall to the Sublime Porte and to the Tsar shall remain forever under the hegemony of the two Empires and that the Empire of Persia shall be reestablished, strengthened and stabilized, the present treaty shall be accepted without reservation and irrevocably observed, so that perpetual peace might be more assuredly secured.

17. TREATY OF PEACE, AMITY AND COMMERCE: PERSIA AND RUSSIA
21 January/1 February 1732

(Ratifications exchanged, St. Petersburg, June 1732)

[Translated from the French text in Jean Rousset de Missy, *Recueil historique d'actes, negotiations, mémoires et traitez depuis la paix d'Utrecht jusq'à présent* (La Haye, 1733), vol. 7, pp. 457–62]

Following the death of Tsar Peter I in 1725, Russia's forward policy in the Transcaucasian districts of its southern neighbor was abandoned for three quarters of a century, although a full decade passed before the occupied territory was returned to Persia. Within Persia itself, Nadir Quli Khan, who joined the service of Tahmasp, destroyed the Ghalzay regime by 1730, dispersing the Afghan troops beyond effective reorganization. Perturbed over the decimation by disease of Russian forces in Gilan, Empress Anne (1730–40)

in the fall of 1730 informed Tahmasp of her readiness to negotiate the terms of a Russian withdrawal from the area. The consequent Russo-Persian parleys, begun in April 1731 and embracing commercial matters and the permanent exchange of diplomatic relations as well as the problems of evacuating Russian garrisons, were consummated at Rasht on 21 January/1 February 1732. A second agreement, signed at Ganja on 10/21 March 1755, was required before the Transcaucasian provinces were wholly restored to Persia. See references Doc. 16, especially L. Lockhart, *Nadir Shah,* chaps. 2–8; also D. K. Reading, *The Anglo-Russian Commercial Treaty of 1734,* chap. 10.

1. All misunderstandings which occurred at the time of the unrest in Persia and the hostilities in which the two sides engaged will be forgotten forever. The ancient good and inviolable friendship that obtained between the two Empires will be re-established in such a manner that each side will seek the good of the other insofar as it can and will carefully avoid all harm and damage.

2. Her Imperial Majesty of Russia, [desiring] to give His Majesty the Shah persuasive proof of her friendship, renounces of her own generous volition the rights acquired by treaty and conquest over the provinces of Persia by her ancestors of glorious memory because of the great expenditures and preparations of war. She promises the Minister Plenipotentiary of His Majesty the Shah that one month after the signature of the present treaty she will evacuate and return to the Shah the province of Lagetshank [Lahijan or Daghistan?] with its dependencies, all of Ranakut [?] and [the area] that lies beyond the River called Safid Rud; and five months after the conclusion of the present treaty and the exchange of ratifications, the provinces of Gilan, Astarinsk [Astara?] and other lands between Astarabad and the Kura River in the same good state in which they are under the guard of the troops of Her Imperial Majesty. The other provinces and places located on this side of the Kura will remain under the domination of Her Imperial Majesty, as they are at present, for the sole purpose of preventing the restless nations along the frontiers from joining the evil-intentioned subjects of the Shah and causing new troubles, if Her Imperial Majesty should withdraw her troops, by seizing forcibly the places now under Russian occupation. As for the remainder, His Majesty the Shah recognizes in the return of his provinces the generosity of Her Imperial Majesty and promises to demonstrate his gratitude by all sorts of expressions of amity.

3. In consequence, His Majesty the Shah undertakes on his own behalf and that of his successors to live in perpetual and inviolable amity and good neighborliness with Her Majesty and her Empire. He will regard as his own enemies those who may be enemies of Her Imperial Majesty. He will allow the subjects of Her Imperial Majesty to trade freely in all the lands and places under his domination without payment of duty on merchandise brought from Russia to Persia for sale or barter. To this end the Shah will order all his officers in the cities and provinces not to exact either duty or presents from Russian merchants but, upon seeing a declaration by Russian officers at the frontier that [the merchants] are truly Russian subjects, to allow them to trade in all localities of Persia without payment of duty and, if they should wish to cross over to the Indies or to another country in pursuit of trade, to permit them free passage by sea or by land, without payment of duty or tax or [grant of] of gift or present to the profit of His Majesty the Shah. [The Persian officials] are required to see that [the Russian merchants] obtain good justice and suffer not the least harm. Similarly the said merchants are permitted to build in suitable places houses and stores to hold their merchandise. The Persian officers will designate the said places for this purpose and will give them all assistance. If a ship or vessel, loaded with Russian merchandise, should happen to meet with accident within the domain of His Majesty the Shah, those in danger will be given every assistance to save their goods. Pillage or theft in such circumstances is forbidden under severest penalty. If a Russian subject should happen to die in Persia, his effects, against receipt, will

be placed in the custody of his companions or relatives without anything being mislaid or withheld.

4. Her Imperial Majesty promises that the subjects of the Shah coming to trade in her states or passing through her states for other lands will enjoy all freedoms and advantages that may be granted according to the customs and charters of her Empire. Upon application [the Persian merchants] will be given exact justice. To this purpose orders will be issued to all the officers of Her Imperial Majesty in the cities to grant [the merchants] every kind of liberty and to protect them and their trade. Her Imperial Majesty also promises that when merchants of the Court of the Shah may come to Russia with good certification that they are sent to buy goods for His Majesty, they will pay no duty for goods belonging to the Shah. In conformity with ancient usage, the said merchants will be received with every kind of consideration, and in the same manner will be sent off provided indeed that they are Persian and that they buy not for others but solely for the Shah.

5. Since in the recent troubles in Persia several Russian merchants were massacred by the rebel subjects of the Shah who seized several thousand rubles, an act that plunged several persons into deepest misery, His Majesty the Shah promises to have these losses investigated for the benefit of the Russian subjects and to render them justice, when the culprits can be identified, by having the loss repaid from the movable or immovable property of the guilty or of their heirs.

6. It has also been decided and enacted that the two signatories will be permitted to have, at the Court of Her Imperial Majesty and at the Court of His Majesty the Shah, Ministers of such character as the importance of the negotiations may dictate. Each of the parties will give the said ministers such lodging and daily appointment as is suitable to their character. Similarly, the signatories will be allowed to have agents or consuls in other cities where they may deem fit, and every respect commensurate with their duties will be shown them. The officers of these cities will be ordered to respect them as is proper and to protect them against every damage and insult. Also, upon their complaints, good justice will be administered, whenever any harm may have been done to the subjects of the two Sovereigns. The lawsuits will be settled without delay, and those who may have suffered damage will receive satisfaction.

7. It has also been agreed that His Majesty the Shah will not adjudge as unfaithful subjects those Persians who, during the invasion by Russian troops and their stay in the Persian provinces and cities, may have entered the service of or may otherwise have been employed by Her Imperial Majesty. After the withdrawal of the Russians, [the Persian subjects concerned] will not receive either corporal punishment or fine [for their earlier action]. They will not be troubled but will remain in peaceful possession of their goods. Her Imperial Majesty similarly promises that after the exchange of ratification no subject of the Shah will be taken away against his will, [and] all those who entered Russian service voluntarily will be allowed to resign and return home.

18. TREATY OF PEACE (BELGRADE): THE OTTOMAN EMPIRE AND RUSSIA

7/18 September 1739

(Ratifications exchanged, Istanbul, 17/28 December 1739)

[Translated from the French text in Gabriel Noradounghian, *Recueil d'actes internationaux de l'empire ottoman* (Paris, 1897), vol. 1, pp. 258–65]

Disputes, arising from ill-defined frontiers between the Ukraine and the Ottoman-dominated Tatar Khanates, furnished the pretext in 1735 for a renewed Russian endeavor to establish itself on the northern shore of the Black Sea and to assert control over the mouths of

the Dniester, Bug, Dnieper, Don, and Kuban rivers. The consequent Russo-Ottoman war dragged on inconclusively for four years, largely the result of poor military planning and organization at St. Petersburg and of Austria's belated and half-hearted fulfillment of its 1726 alliance with Russia. The peace signed at Belgrade was chiefly the handiwork of the Marquis de Villeneuve, French Ambassador at the Sublime Porte who served as mediator. Russia retained Azov and the surrounding area on the express condition of the demilitarization of the district. Moreover, Russia was forbidden to engage in commerce on the Black Sea except on Ottoman vessels. The treaty of Belgrade, guaranteed by France, provided the basis for relatively stable relations between the signatories for more than a quarter of a century. L'Abbé Laugier, *Histoire des négociations pour la paix conclue à Belgrade le 18 Septembre 1739* (Paris, 1768), 2 vols. (analytical narrative and texts of principal supporting documents); A. Vandal, *Une Ambassade française en orient sous Louis XV, la mission du Marquis de Villeneuve, 1728–1741,* chap. 7; P. H. Mischef, *La Mer Noire et les détroits de Constantinople,* chap. 1; M. T. Florinsky, *Russia,* vol. 1, pp. 462–65; H. Übersberger, *Russlands Orientpolitik,* pp. 157–240.

ART. 1. As of today all hostility and enmity between the two Parties shall remain suspended and annulled forever. All hostilities and acts of provocation committed by either Party, overtly or otherwise, shall be overlastingly forgotten, and [neither side] shall seek revenge. On the contrary, perpetual, constant and inviolate peace shall be maintained on land and sea. Sincere harmony shall be preserved. Friendship shall remain unchangeable by the very precise fulfillment of the articles and conditions stipulated by the two High Contracting Parties, Her Imperial Majesty and His Sultanic Majesty, [binding] their heirs and successors and the empires, domains, lands, subjects and inhabitants of the two nations, so that in the future the two Parties will avoid the commission of any hostility or act of provocation, public or secret. They shall also preserve between themselves faithful amity and sincere peace, wishing and providing for each other every kind of prosperity and happiness, so that peace and tranquillity may remain inviolably safeguarded for the well-being and growth of the two empires and of their subjects.

ART. 2. The two Parties sincerely intend to establish durable and constant peace, so that the subjects of the respective empires may profit therefrom and live in blissful tranquillity. To extirpate every cause of dissension and dispute, it has been mutually agreed that the boundaries of the two empires shall be the same as those established by preceding treaties and shall be precisely and clearly defined in a convention that will be concluded in consequence of the present treaty.

ART. 3. The fortress of Azov shall be entirely demolished. To insure peace in a most solid and durable manner, the territory of the said fortress shall remain deserted within the limits fixed by the treaty of 1700 and shall serve as a barrier between the two empires. In compensation Russia will be permitted to erect a new fortress in the vicinity of the Circassian island situated in the Tanaïs (Don) River near Azov, an island that is the former frontier of Russia; and similarly the construction of an Ottoman fortress will be permitted on the Kuban frontier near Azov, after the establishment of the location of the two above fortresses by the commissioners of the two Parties, to whose equity and discretion the decision will be entrusted. It is further stipulated that the former fortress of Taganrog, already demolished, will not be rebuilt and that Russia will not be allowed to construct or maintain fleets or other ships on the Sivash Sea or on the Black Sea.

ART. 4. In order that the subjects of the two empires may be more positively knowledgeable of the borders that will be determined, the two empires will name, as soon as possible after the confirmation of the present treaty of peace, commissioners having the required capacity and provided with full powers and sufficient instructions, so that their commissions will not be subjected to vain difficulties. [The commissioners], coming together in virtue of the present treaty, will demarcate without delay the borders between the two empires. After placing in the proper locations the

markers and signals which will be used henceforth and forever, [the commissioners] will confirm the said borders with the customary written instruments, specifying all the particulars. The commissioners must fulfill and complete their commission in the space of six months, from the day of the exchange of ratifications of the present treaty.

ART. 5. The Cossacks and the Kalmucks, subjects of Her Imperial Majesty and of the Empire of the Russias, as well as all other nations subject to the said Empire, shall not attempt any invasion of and shall commit no act of hostility against the Tatars of Crimea, subjects of the Ottoman Empire or against the other nations and Tatar subjects of the same Empire and shall do them no harm or damage. [Russian] subjects shall refrain from all such enterprise and from everything that would be contrary to this holy peace. If indeed they should commit any act of rashness, they shall be rigorously punished. Similarly, the subjects of the Ottoman Empire, the Tatars of Crimea and all other subjects of the Ottoman Porte in general, of whatever name and quality, shall not attempt any invasion of and shall commit no act of hostility against the cities, villages and localities of the domain of Her Imperial Majesty of All the Russias, against her subjects of Great and of Little Russia, against the cities of the Cossacks subject to Her Imperial Majesty and their dwelling-places located on the Borysthenes (Dnieper), the Tanaïs (Don) and elsewhere, or against the small fortresses, villages and their inhabitants within the borders of the Empire of All the Russias, as they may be agreed upon and fixed. [Ottoman subjects] shall commit no act of hostility and shall avoid causing any damage secretly or openly by making slaves, stealing animals or by causing [Russian subjects] anxiety in any manner. If they dare in any manner whatsoever to cause injury or damage to or act with hostility toward the subjects or vassals of Her Imperial Majesty, they shall not be protected but shall be rigorously punished according to divine laws, the right of justice and the enormity of the crime. Everything that might have been taken forcibly by either side shall be sought and returned to its proprietors.

ART. 6. The two Parties agree that the two Kabardas, the greater and the lesser, and the nations that inhabit them shall remain free and shall not be subjected to either of the two empires but shall serve as a barrier between them. The Sublime Porte for its part undertakes that neither Turks nor Tatars will interfere with these districts and cause them anxiety; and similarly the Russian Empire for its part undertakes not to molest the districts. Following the former custom, however, every time that the Empire of the Russias should take hostages from the two Kabardas for the sole purpose of maintaining tranquillity, the Ottoman Porte will be free to do the same for the same end. If the peoples of the Kabardas should give cause for complaint to either of the two Powers, each will be allowed to chastise and punish them.

ART. 7. All prisoners and slaves of a military or any other nature taken before or after the war in whatever circumstances and for whatever motive [and] hitherto detained in the two empires shall be delivered and sent back immediately following the ratification of the present treaty of peace without exchange or ransom, without any exception whatsoever, as many as may be found at present or in the future in the two empires—apart from those in the Empire of the Russias who may have embraced the Christian religion and those in the Ottoman Empire who may have embraced Islam. The most express orders shall be published in all the cities and provinces of the two empires regarding the liberty of the said prisoners, so that their manumission and freedom may be effectively granted without difficulty or procrastination. All slaves who may have been taken furtively and led into captivity since the conclusion of this treaty or during this peace and who may be in Crimea, the Bujiak and the Kuban [districts] or elsewhere among the Turks, Tatars and other subjects of the Sublime Porte shall be liberated and returned without ransom. No violence shall be done any persons with passports of Her

Imperial Majesty who may go into these countries to deliver Russian slaves, provided that they limit themselves to the orderly execution of their commission. All those who contrary to divine law may do violence to them or cause them damage shall be punished.

ART. 8. If after the conclusion and ratification of the present treaty of peace subjects of either [Signatory] Power should commit crimes or acts of insubordination or treason and flee to [the territory] of the other empire, they shall in no way be received or protected but—excepting only those who may have become Christians in the Empire of the Russias and those who may have become Muslims in the Ottoman Empire—shall at once be returned or at least expelled from the lands where they may happen to be, so that such infamous men may produce neither coolness nor dispute between the two empires. Henceforth, if a subject of Russia should flee to the states of the Ottoman Porte or if a subject of the Porte should flee to Russia, [the fugitive] shall be returned whenever his government requests [the extradition].

ART. 9. Merchants, subjects of the Sublime Porte, will be allowed to engage freely in commerce—the fruit of peace that provides states and peoples with every sort of abundance—in all the Russias in the same manner as merchants of other powers and with payment of the same duties. Reciprocally, merchants, subjects of the Empire of the Russias, will be allowed as freely to engage in commerce in the states of the Ottoman Porte. But the commerce of the Russians on the Black Sea shall be pursued on ships belonging to Turks.

ART. 10. If differences and dissensions should occur during this peace among subjects of the two empires, the governors and commanders of the frontiers shall conduct the necessary investigations as equitably as possible. Cases of litigation arising between [subjects] of the two empires shall be settled by all suitable means, in order better to insure the preservation of peace and friendship. When these disputes [take place] among limitrophe subjects, neither side shall undertake acts of hostility. But the inalterable maintenance of tranquillity shall be realized by both sides with every sort of consideration and in an amicable manner.

ART. 11. Russian laymen and ecclesiastics will be allowed freely to visit the Holy City of Jerusalem and other places that deserve to be visited. No tributes or payment whatsoever may be levied on these passengers or pilgrims at Jerusalem or elsewhere by subjects of the Ottoman Empire. [Russian subjects] will be given the requisite passports, since the Sublime Porte customarily issues them to nations friendly to the Ottoman Empire. Moreover, in accordance with divine law, no injury or violence will be done to Russian ecclesiastics while they are in territories under Ottoman domination.

ART. 12. Friendly negotiations will be conducted regarding the imperial title that has been mentioned on behalf of Her Imperial Majesty of All the Russias, and agreement will be reached to the satisfaction of the two Parties, as the propriety and the supreme dignity and power of Her Imperial Majesty require.

ART. 13. In order further to strengthen the peace between the two empires and the surety of the articles of the present treaty and [more effectively to accomplish] everything that the affairs of the respective subjects may demand, the ministers of Her Imperial Majesty are allowed to reside at the Porte with such rank as Her Imperial Majesty may deem suitable. The said ministers and their households will enjoy the same privileges, franchises and all the rest as those of the ministers of the other most distinguished powers.

ART. 14. In order that the present peace and good friendship between the two empires may be even more firmly established by the two Parties, Ambassadors Extraordinary will be exchanged at a time to be determined later and fixed by agreement of the two Courts. The Ambassadors shall be exchanged on the frontier with equality. They shall be received, honored and treated with the same ceremonies and formality and in the same manner as are observed in the exchange of ambassadors between the

most distinguished powers and the Ottoman Porte. As a friendly gesture, the ambassadors will bear mutual presents, suitable to the dignity of Their Imperial Majesties.

ART. 15. Furthermore it has been agreed that in three months from the day of the signature of the present treaty the instruments of ratification will be exchanged through the medium of the most illustrious and most excellent Lord, the Ambassador of His Very Christian Majesty [the King of France], mediator of the present peace. Finally, for the greater clarification of the above articles, declaration is made that, since it was agreed in article 4 that commissioners will be named for the regulation of the borders and the execution of the convention that will be framed concerning the said borders, the commissioners appointed by the Sublime Porte will be subordinated to the Khan of Crimea. If, on the part of either empire, incidents capable of altering the peace should occur for which no provision has been made in the articles of the present treaty of peace, the two sides will seek remedy with justice and equity. In order that the conditions of this peace, stipulated in the preceding fifteen articles, may be implemented in the future by the two sides and maintained inviolable as they should be, it is declared that in virtue of the present treaty all previous treaties shall forever remain without force or validity, with the reservation of the borders that are to be determined.

19. TREATY OF PEACE (KURDAN): THE OTTOMAN EMPIRE AND PERSIA

4 September 1746

(Confirmed by the treaty of Erzurum, 28 July 1823)

[Translated from the French text in Gabriel Noradounghian, *Recueil d'actes internationaux de l'empire ottoman* (Paris, 1897), vol. 1, pp. 306–08]

Following the attempted Ottoman annexation of Persia's northwest provinces in the early 1720's, the two Muslim states remained technically at war for more than two decades. Actual campaigns, however, never endured beyond a few months. Sustained periods of military inactivity on the Ottoman-Persian front attested to the distraction of both powers by other problems. Efforts at adjustment in October 1727 and January 1732 failed because the principals—Ashraf and Tahmasp—in whose names the negotiations were successively conducted on the Persian side, did not long remain in positions of authority. Once Nadir Quli Khan came to power, as regent after September 1732 and as shah after March 1736, the shepherd boy turned king laid down the Persian terms for coexistence. The parties indeed initialed several instruments—in December 1733, September 1736, and December 1743—but ratified none. The chief stumbling block was Nadir's insistence on Ottoman recognition of his artificially created fifth sect of Sunni Islam, which he labeled the Ja'fari, and on the installation by the Sublime Porte of a fifth column in the Ka'bah at Mecca for the Imam Ja'far after whom the sect was named. When a mutually acceptable peace was finally arranged in September 1746, it proved too late, for Nadir Shah was assassinated on 19 June 1747 before ratification of the treaty. Nevertheless, the terms were confirmed three quarters of a century later in the treaty of Erzurum (Doc. 36). L. Lockhart, *Nadir Shah,* especially chaps. 5–7, 10, 22, 24, 25; M. A. Hekmat, *Essai sur l'histoire des relations politiques irano-ottomanes de 1722 à 1747,* pp. 201–55 (incorrectly dates the treaty January 1747); J. Hanway, *Historical Account of British Trade over the Caspian Sea,* 4 vols., passim.

BASIS OF THE TREATY

The treaty of peace concluded in the reign of Sultan Murad IV [at Zuhab on 17 May 1639], of glorious memory, shall be maintained as valid by the two governments, and the frontiers and limits fixed by that treaty shall be preserved on the same footing, and there shall occur neither change nor alteration of the principles enunciated therein.

CONDITION

Henceforth all hostility must cease, and everything that is compatible with the dignity and honor of the two contracting parties shall be observed, and everything that may cause coolness or may be contrary to peace and good understanding shall be avoided.

ART. 1. Persian pilgrims may go to the Holy Cities by way of Baghdad and Damascus. The Governors-General, the Judges and the Amirs al-Hajj [Commanders of the Pilgrimage] on this route shall conduct [the pilgrims] from place to place in full security and tranquillity, and in entrusting them from one to the other, [the Ottoman functionaries] shall take every precaution for [the pilgrims'] comfort and protection.

ART. 2. In order to confirm the amity between the two governments and to demonstrate their good harmony, every three years the Ottoman Imperial Government and the Persian Government shall accredit ambassadors to each other's court. The attendant expenses shall be borne by the host government.

ART. 3. Prisoners of war of the two contracting parties shall be liberated and may not be bought or sold [as slaves]. Those prisoners desiring to return to their homes shall not be impeded by either side.

APPENDIX

The limits and frontiers, established under Sultan Murad IV, shall be verified, and the frontier commanders shall abstain from measures detrimental to friendship. Moreover, the Persian people, having totally abandoned the unseemly innovations introduced in the time of the Safavis and having embraced the religion of the Sunnis, shall mention the Orthodox Caliphs, of blessed memory, with respect and veneration.

Henceforth Persians who may go in pilgrimage to Mecca, Medina and to other cities of the Ottoman Empire shall be received with the same friendliness as that [accorded] to Muslim pilgrims, travellers and inhabitants of the Empire. No tribute or tax, repugnant to the laws and regulations, may be levied on [the Persian pilgrims]. Similarly the authorities at Baghdad shall not levy any customs duty on Persian pilgrims who are not transporting merchandise. From those who are transporting merchandise a customs duty no higher than that estimated according to ancient usage will be collected. Merchants and inhabitants of the Ottoman Empire shall be treated in the same manner in Persia.

If after the date of the conclusion of this treaty there should be those who wish to flee from Persia to Turkey or vice versa, they shall not receive asylum and upon the demand for extradition, they shall be surrendered to the authorities of the pertinent signatory.

As long as the conditions stated above are mutually respected, the amity and good understanding between the two High Powers and their Illustrious Sovereigns shall be maintained and observed by them and their descendants.

20. GRANT OF SPECIAL PRIVILEGES AT BUSHIRE TO THE (BRITISH) EAST INDIA COMPANY
2 July 1763

[C. U. Aitchison, comp., *A Collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countries* (1933, 5th ed.), vol. 13, pp. 42–44]

The passing of the Safavi dynasty in 1722 brought to a close the capitulatory arrangements of the seventeenth century in Persia. Dutch, English, and French merchants alike failed to procure from Nadir Shah (1736–47) full renewals of their earlier privileges, and European trade with Persia languished. Indeed, Russia alone among the European powers attempted to maintain formal diplomatic relations with the self-made monarch. After Nadir's murder Persia literally fell apart. The Afghans finally broke away. Nadir's blind son,

Shah Rukh, ruled in Khurasan, the northeast province, until 1796. Karim Khan (1750–79) of the Zand tribe, stvling himself *vakil* (regent), reigned over most of southern Persia, selecting Shiraz as his capital. The Qajar tribesmen, establishing supremacy in Mazandaran, gradually extended their influence through the northwest provinces, which however for the greater part of the period remained essentially without government. In the Seven Years' War the French destroyed (1759) the British factory at Bandar 'Abbas, for more than a century and a third the center of the East India Company's Gulf commerce. A company agent on 12 April 1763 concluded an agreement (text in Aitchison, *op. cit.*, pp. 41–42) with Shaykh Sa'dun of Bushire, the port of Shiraz, for the erection of a factory. Less than three months later Karim Khan confirmed by *farman* (royal decree) Sa'dun's arrangements and amplified the special rights accorded the company. Bushire was destined in the nineteenth century to become the headquarters of British political as well as commercial activity in the Persian Gulf area. L. Lockhart, *Nadir Shah,* pp. 282–90; Sir P. Sykes, *History of Persia,* vol. 2, chap. 73; Sir A. T. Wilson, *The Persian Gulf,* chap. 12.

The Great God having, of his infinite mercy, given victory unto Karem Khan, and made him Chief Governor of all the kingdoms of Persia, and established under him the peace and tranquillity of the said kingdoms, by means of his victorious sword, he is desirous that the said kingdoms should flourish and re-obtain their ancient grandeur by the increase of trade and commerce, as well as by a due execution of justice.

Having been informed that the Right Worshipful William Andrew Price, Esq., Governor-General for the English nation in the Gulf of Persia, is arrived with power to settle a factory at Bushire, and has left Mr. Benjamin Jervis, Resident, who, by directions from the said Governor-General, has sent unto me Mr. Thomas Durnford and Stephen Hermit, linguist, to obtain a grant of their ancient privileges in these kingdoms, I do, of my free will and great friendship for the English nation, grant unto the said Governor-General, in behalf of his king and Company, the following privileges, which shall be inviolably observed and held sacred in good faith:—

That the English Company may have as much ground, and in any part of Bushire, they choose to build a factory on, or at any other port in the Gulf. They may have as many cannon mounted on it as they choose, but not to be larger than six pounds bore; and they may build factory houses in any part of the kingdom they choose.

No customs shall be charged the English on any goods imported or exported by them at Bushire, or any other port in the Gulf of Persia, on condition that at no time they import or export other persons' goods in their names. They may also send their goods customs free all over the kingdom of Persia; and on what goods they sell at Bushire, or elsewhere, the Shaik, or Governor, shall only charge the merchants an export duty of three per cent.

No other European nation, or other persons, shall import any woollen goods to any port on the Persian shore in the Gulf, but the English Company only; and should any one attempt to do it clandestinely, their goods shall be seized and confiscated.

Should any of the Persian merchants, or others, become truly indebted to the English, the Shaik, or Governor of the place, shall oblige them to pay it; but should he fail in his duty herein the English Chief may do his own justice and act as he pleases with the debtors to recover what owed him or them.

In all the kingdom of Persia the English may sell their goods to and buy from whomever they judge proper; nor shall the Governor, or Shaik, of any ports or places, prevent their importing or exporting any goods whatever.

When any English ship or ships arrive at any ports in the Gulf of Persia, no merchants shall purchase from them clandestinely, but with the consent and knowledge of the English Chief there resident.

Should any English ship or vessel be drove on shore, unfortunately wrecked, or otherwise lost in any part of the Gulf of Persia, the Shaiks, or Governors of the adjacent places, shall not claim any share of the said wrecks, but shall assist the English, all in their power, in saving the whole or any part of the vessel or cargo.

The English, and all those under their protection, in any part of the kingdom of Persia, shall have the free exercise of their religion, without molestation from any one.

Should soldiers, sailors, or slaves desert from the English in any part of Persia, they shall not be protected or encouraged, but, *bonâ fide,* delivered up, but not be punished for the first or second offence.

Wherever the English may have a factory in Persia their linguist, brokers, and all their other servants, shall be exempt from all taxes and impositions whatever, and under their own command and justice, without any one interfering therein.

Wherever the English are they shall have a spot of ground allotted them for a burying ground; and if they want a spot for a garden, if the king's property, it shall be given them *gratis;* if belonging to any private person, they must pay a reasonable price for it.

The house that formerly belonged to the English Company at Schyrash, I now redeliver to them, with the garden and water thereto belonging.

That the English, according to what was formerly customary, shall purchase from the Persian merchants such goods as will answer for sending to England or India, provided they and the Persians shall agree on reasonable prices for the same, and not export from Persia the whole amount of their sales in ready money, as this will impoverish the kingdom and in the end prejudice trade in general.

That the English, wherever they are settled, shall not maltreat the Mussulmen.

What goods are imported by the English into Persia they shall give the preference in sale of them to the principal merchants and men of credit.

The English shall not give protection to any of the king's rebellious subjects, nor carry them out of the kingdom, but deliver any up that may desert to them, who shall not be punished for the first or second offence.

The English shall at no time, either directly or indirectly, assist the king's enemies.

All our Governors of provinces, sea-ports, and other towns are ordered to pay strict obedience to these our orders, on pain of incurring our displeasure, and of being punished for their disobedience or neglect.

21. TREATY OF PEACE (KÜÇÜK KAYNARCA): RUSSIA AND THE OTTOMAN EMPIRE

10/21 July 1774

(Ratifications exchanged, Istanbul, 13/24 January 1775)

[Great Britain, *Parliamentary Papers, 1854,* vol. 72, pp. 171–79]

The instrument signed at Küçük Kaynarca (a village on the right bank of the Danube near Silistra), which terminated the six-year war between Tsarist Russia and the Ottoman Empire, surpassed in significance all other treaties between the two states. It established the basic pattern of their relations until the outbreak of World War I. Küçük Kaynarca converted the Black Sea from an exclusively Ottoman lake into a Russo-Ottoman lake. It assured Russian commercial vessels unrestricted navigation in that sea and free passage through the straits. By establishing Russia's position as a Black Sea power, the treaty stirred the ambitions of the Tsarist regime for control of the straits, thus creating a problem in Russo-Turkish relations that has persisted into the mid-twentieth century. Russia's later claim to the protection of all Greek Orthodox subjects of the sultan, one of the immediate causes of the Crimean War, was based upon a liberal (and questionable) interpretation of articles 7 and 14 of the 1774 instrument. Küçük Kaynarca also promised Russian nationals most favored nation treatment in trade with the Ottoman Empire. Russia's capitulatory privileges, however, were stipulated in detail in a special commercial treaty concluded on 10/21 June 1783 (French text in Gabriel Noradounghian, *Recueil d'actes internationaux de l'empire ottoman,* vol. 1, pp. 351–73). The 1774 treaty, meanwhile, had been modified by a *convention explicative* of 10/21 March 1779 (French text *ibid.,* pp. 338–44). Omitted below are article 16 and the first paragraph of article 24, which relate to the Balkans. T. E. Holland, *A Lecture on the Treaty*

Relations of Russia and Turkey from 1774 to 1853; H. Übersberger, *Russlands Orientpolitik,* chap. 3; A. Sorel, *La Question d'Orient au dix-huitième siècle,* also English translation by F. C Bramwell, chap. 20; E. Laloy, *Les Plans de Cathérine II pour la conquête de Constantinople;* P. H. Mischef, *La Mer Noire,* chap. 2; C. Phillipson and N. Buxton, *The Question of the Bosphorus and Dardanelles,* part 2, chap. 1; J. T. Shotwell and F. Deák, *Turkey at the Straits,* chap. 3; and J. A. R. Marriott, *The Eastern Question* (4th ed.), chap. 6.

ART. I. From the present time all the hostilities and enmities which have hitherto prevailed shall cease for ever, and all hostile acts and enterprises committed on either side, whether by force of arms or in any other manner, shall be buried in an eternal oblivion, without vengeance being taken for them in any way whatever; but, on the contrary, there shall always be a perpetual, constant, and inviolable peace, as well by sea as by land. In like manner there shall be cultivated between the two High Contracting Parties, Her Majesty the Empress of all the Russias and His Highness, their successors and heirs, as well as between the two Empires, their states, territories, subjects, and inhabitants, a sincere union and a perpetual and inviolable friendship, with a careful accomplishment and maintenance of these Articles; so that neither of the two Parties shall, in future, undertake with respect to the other any hostile act or design whatsoever, either secretly or openly. And in consequence of the renewal of so sincere a friendship, the two Contracting Parties grant respectively an amnesty and general pardon to all such of their subjects, without distinction, who may have been guilty of any crime against one or other of the two Parties; delivering and setting at liberty those who are in the gallies or in prison; permitting all banished persons or exiles to return home, and promising to restore to them, after the peace, all the honours and property which they before enjoyed, and not to subject them, nor allow others to subject them, with impunity, to any insult, loss, or injury under any pretext whatsoever; but that each and every of them may live under the safeguard and protection of the laws and customs of his native country in the same manner as his native fellow-countrymen.

II. If, after the conclusion of the Treaty and the exchange of the ratifications, any subjects of the two Empires, having committed any capital offence, or having been guilty of disobedience or of treason, should endeavour to conceal themselves, or seek an asylum in the territories of one of the two Powers, they must not be received or sheltered there under any pretext, but must be immediately delivered up, or at least expelled, from the States of the Power whither they had escaped, in order that, on account of such criminals, there should not arise any coolness or useless dispute between the two Empires, with the exception, however, of those who, in the Empire of Russia, shall have embraced the Christian religion, and, in the Ottoman Empire, the Mahometan religion. In like manner, should any subjects of the two Empires, whether Christians or Mahometans, having committed any crime or offence, or for any reason whatsoever, pass from one Empire into the other, they shall be immediately delivered up, so soon as a requisition to that effect is made.

III. All the Tartar peoples—those of the Crimea, of the Budjiac, of the Kuban, the Edissans, Geambouiluks and Editschkuls—shall, without any exception, be acknowledged by the two Empires as free nations, and entirely independent of every foreign Power, governed by their own Sovereign, of the race of Ghengis Khan, elected and raised to the throne by all the Tartar peoples; which Sovereign shall govern them according to their ancient laws and usages, being responsible to no foreign Power whatsoever; for which reason, neither the Court of Russia nor the Ottoman Porte shall interfere, under any pretext whatever, with the election of the said Khan, or in the domestic, political, civil and internal affairs of the same; but, on the contrary, they shall acknowledge and consider the said Tartar nation, in its political and civil state, upon the same footing as the other Powers who are governed by themselves, and are dependent upon God alone. As to the cere-

monies of religion, as the Tartars profess the same faith as the Mahometans, they shall regulate themselves, with respect to His Highness, in his capacity of Grand Caliph of Mahometanism, according to the precepts prescribed to them by their law, without compromising, nevertheless, the stability of their political and civil liberty. Russia leaves to this Tartar nation, with the exception of the fortresses of Kertsch and Jenicale (with their districts and ports, which Russia retains for herself), all the towns, fortresses, dwellings, territories, and ports which it has conquered in Crimea and in Kuban; the country situated between the rivers Berda, Konskie, Vodi, and the Dnieper, as well as all that situated as far as the frontier of Poland between the Boug and the Dniester, excepting the fortress of Oczakow, with its ancient territory, which shall belong, as heretofore, to the Sublime Porte, and it promises to withdraw its troops from their possessions immediately after the conclusion and exchange of the Treaty of Peace. The Sublime Ottoman Porte engages, in like manner, on its part, to abandon all right whatsoever which it might have over the fortresses, towns, habitations, &c., in Crimea, in Kuban, and in the island of Taman; to maintain in those places no garrison nor other armed forces, ceding these States to the Tartars in the same manner as the Court of Russia has done, that is to say, in full power and in absolute and independent sovereignty. In like manner the Sublime Porte engages, in the most solemn manner, and promises neither to introduce nor maintain, in future, any garrison or armed forces whatsoever in the above-mentioned towns, fortresses, lands, and habitations, nor, in the interior of those States, any intendant or military agent, of whatsoever denomination, but to leave all the Tartars in the same perfect liberty and independence in which the Empire of Russia leaves them.

IV. It is conformable to the natural right of every Power to make, in its own country, such dispositions as it may consider to be expedient: in consequence whereof, there is respectively reserved to the two Empires a perfect and unrestricted liberty of constructing anew in their respective States, and within their frontiers, in such localities as shall be deemed advisable, every kind of fortresses, towns, habitations, edifices, and dwellings, as well as of repairing and rebuilding the old fortresses, towns, habitations, &c.

V. After the conclusion of this happy peace, and the renewal of a sincere and neighbourly friendship, the Imperial Court of Russia shall always have, henceforth, at the Sublime Porte, a Minister of the second rank, that is to say, an Envoy or Minister Plenipotentiary; the Sublime Porte shall show to him, in his official character, all the attentions and respect which are observed towards the Ministers of the most distinguished Powers; and upon all public occasions the said Minister shall immediately follow the Emperor's Minister, if he be of the same rank as the latter; but if he be of a different rank, that is to say, either superior or inferior, then the Russian Minister shall immediately follow the Ambassador of Holland, and, in his absence, that of Venice.

VI. If any individual in the actual service of the Russian Minister during his stay at the Sublime Porte, having been guilty of theft or having committed any crime or act liable to punishment, should, for the purpose of escaping the penalty of the law, become Turk; although he cannot be prevented from so doing, yet after he has undergone the punishment he deserves, all the articles stolen shall be restored *in toto*, according to the specification of the Minister. But those who, being intoxicated, might be desirous of adopting the turban, must not be allowed so to do until after their fit of drunkenness is over, and they have come to their right senses; and even then, their final declaration shall not be taken, unless in the presence of an interpreter sent by the Minister, and of some Mussulman free from the suspicion of partiality.

VII. The Sublime Porte promises to protect constantly the Christian religion and its churches, and it also allows the Ministers of the Imperial Court of Russia to make, upon all occasions, representations, as well in favour of the new church at Con-

stantinople, of which mention will be made in Article XIV, as on behalf of its officiating ministers, promising to take such representations into due consideration, as being made by a confidential functionary of a neighbouring and sincerely friendly Power.

VIII. The subjects of the Russian Empire, as well laymen as ecclesiastics, shall have full liberty and permission to visit the holy city of Jerusalem, and other places deserving of attention. No charatsch, contribution, duty, or other tax, shall be exacted from those pilgrims and travellers by any one whomsoever, either at Jerusalem or elsewhere, or on the road; but they shall be provided with such passports and firmans as are given to the subjects of the other friendly Powers. During their sojourn in the Ottoman Empire, they shall not suffer the least wrong or injury; but, on the contrary, shall be under the strictest protection of the laws.

IX. The interpreters attached to the Russian Ministers resident at Constantinople, of whatever nation they may be, being employed upon State affairs, and consequently in the service of both Empires, must be regarded and treated with every degree of kindness; and they shall be subjected to no ill-treatment on account of the business with which they may be entrusted by their principals.

X. If between the signing of these Articles of Peace and the orders which shall thereupon be dispatched by the Commanders of the two respective armies, an engagement should anywhere take place, neither party shall be offended thereat, nor shall it be productive of any consequences, every acquisition made thereby being restored, and no advantage shall accrue therefrom to one party or the other.

XI. For the convenience and advantage of the two Empires, there shall be a free and unimpeded navigation for the merchantships belonging to the two Contracting Powers, in all the seas which wash their shores; the Sublime Porte grants to Russian merchant-vessels, namely, such as are universally employed by the other Powers for commerce and in the ports, a free passage from the Black Sea into the White Sea, and reciprocally from the White Sea into the Black Sea, as also the power of entering all the ports and harbours situated either on the sea-coasts, or in the passages and channels which join those seas. In like manner, the Sublime Porte allows Russian subjects to trade in its States by land as well as by water and upon the Danube in their ships, in conformity with what has been specified above in this Article, with all the same privileges and advantages as are enjoyed in its States by the most friendly nations, whom the Sublime Porte favours most in trade, such as the French and the English; and the capitulations of those two nations and others shall, just as if they were here inserted word for word, serve as a rule, under all circumstances and in every place, for whatever concerns commerce as well as Russian merchants, who upon paying the same duties may import and export all kinds of goods, and disembark their merchandize at every port and harbour as well upon the Black as upon the other Seas, Constantinople being expressly included in the number.

While granting in the above manner to the respective subjects the freedom of commerce and navigation upon all waters without exception, the two Empires, at the same time, allow merchants to stop within their territories for as long a time as their affairs require, and promise them the same security and liberty as are enjoyed by the subjects of other friendly Courts. And in order to be consistent throughout, the Sublime Porte also allows the residence of Consuls and Vice-Consuls in every place where the Court of Russia may consider it expedient to establish them, and they shall be treated upon a perfect footing of equality with the Consuls of the other friendly Powers. It permits them to have interpreters called Baratli, that is, those who have patents, providing them with Imperial patents, and causing them to enjoy the same prerogatives as those in the service of the said French, English, and other nations.

Similarly, Russia permits the subjects of the Sublime Porte to trade in its dominions, by sea and by land, with the same prerogatives and advantages as are enjoyed by

the most friendly nations, and upon paying the accustomed duties. In case of accident happening to the vessels, the two Empires are bound respectively to render them the same assistance as is given in similar cases to other friendly nations; and all necessary things shall be furnished to them at the ordinary prices.

XII. When the Imperial Court of Russia shall have the intention of making any Commercial Treaty with the regencies of Africa, as Tripoli, Tunis, and Algiers, the Sublime Porte engages to employ its power and influence in order to accomplish the views of the above-named Court in this respect, and to guarantee, as regards those regencies, all the conditions which shall have been stipulated in those Treaties.

XIII. The Sublime promises to employ the sacred title of the Empress of all the Russias in all public acts and letters, as well as in all other cases, in the Turkish language, that is to say, "Temamen Roussielerin Padischag."

XIV. After the manner of the other Powers, permission is given to the High Court of Russia, in addition to the chapel built in the Minister's residence, to erect in one of the quarters of Galata, in the street called Bey Oglu, a public church of the Greek ritual, which shall always be under the protection of the Ministers of that Empire, and secure from all coercion and outrage.

XV. Although, according to the manner in which the boundaries of the two Contracting Powers are arranged, there is every reason to hope that the respective subjects shall no longer find any occasion for serious differences and disputes amongst themselves, nevertheless, at all events to guard against whatever might occasion a coolness or cause a misunderstanding, the two Empires mutually agree that all such cases of disagreement shall be investigated by the Governors and Commanders of the frontiers, or by Commissioners appointed for that purpose, who shall be bound, after making the necessary inquiries, to render justice where it is due, without the least loss of time: with the express condition that events of this nature shall never serve as a pretext for the slightest alteration in the friendship and good feeling re-established by this Treaty. . . .

XVII. The Empire of Russia restores to the Sublime Porte all the islands of the Archipelago which are under its dependence; and the Sublime Porte, on its part, promises:

1. To observe religiously, with respect to the inhabitants of these islands, the conditions stipulated in Article I concerning the general amnesty and the eternal oblivion of all crimes whatsoever, committed or suspected to have been committed to the prejudice of the interests of the Sublime Porte.

2. That the Christian religion shall not be exposed to the least oppression any more than its churches, and that no obstacle shall be opposed to the erection or repair of them; and also that the officiating ministers shall neither be oppressed nor insulted.

3. That there shall not be exacted from these islands any payment of the annual taxes to which they were subjected, namely, since the time that they have been under the dependence of the Empire of Russia; and that, moreover, in consideration of the great losses which they have suffered during the war, they shall be exempt from any taxes for two years more, reckoning from the time of their restoration to the Sublime Porte.

4. To permit the families who might wish to quit their country, and establish themselves elsewhere, free egress with their property; and in order that such families may arrange their affairs with all due convenience, the term of one year is allowed them for this free emigration, reckoning from the day of the exchange of the present Treaty.

5. In case the Russian fleet, at the time of its departure, which must take place within three months, reckoning from the day on which the present Treaty is exchanged, should be in need of anything, the Sublime Porte promises to provide it, as far as possible, with all that may be necessary.

XVIII. The Castle of Kinburn, situated at the mouth of the Dnieper, with a proportionate district along the left bank of the Dnieper, and the corner which forms

the desert between the Bug and the Dnieper, remains under the full, perpetual, and incontestable dominion of the Empire of Russia.

XIX. The fortresses of Jenicale and Kertsch, situated in the peninsula of Crimea, with their ports and all therein contained, and moreover with their districts, commencing from the Black Sea, and following the ancient frontier of Kertsch as far as the place called Bugak, and from Bugak ascending in a direct line as far as the Sea of Azow, shall remain under the full, perpetual, and incontestable dominion of the Empire of Russia.

XX. The city of Azow, with its district, and the boundaries laid down in the Conventions made in 1700, that is to say in 1113, between the Governor Tolstoi and Hassan Bacha, Governor of Atschug, shall belong in perpetuity to the Empire of Russia.

XXI. The two Cabardes, namely, the Great and Little, on account of their proximity to the Tartars, are more nearly connected with the Khans of Crimea; for which reason it must remain with the Khan of Crimea to consent, in concert with his Council and the ancients of the Tartar nation, to these countries becoming subject to the Imperial Court of Russia.

XXII. The Two Empires have agreed to annihilate and leave in an eternal oblivion all the Treaties and Conventions heretofore made between the Two States, including therein the Convention of Belgrade, with all those subsequent to it; and never to put forth any claim grounded upon the said Conventions, excepting, however, the one made in 1700 between Governor Tolstoi and Hassan Bacha, Governor of Atschug, on the subject of the boundaries of the district of Azow and of the line of demarcation of the frontier of Kuban, which shall remain invariably such as it has heretofore been.

XXIII. The fortresses which are standing in a part of Georgia and of Mingrelia, as Bagdadgick, Kutatis, and Scheherban, conquered by the Russian armies, shall be considered by Russia as belonging to those on whom they were formerly dependent; so that if, in ancient times, or for a very long period, they have actually been under the dominion of the Sublime Porte, they shall be considered as belonging to it; and after the exchange of the present Treaty the Russian troops shall, at the time agreed upon, quit the said Provinces of Georgia and Mingrelia. On its part, the Sublime Porte engages, conformably to the contents of the present Article, to grant a general amnesty to all those in the said countries who, in the course of the present war, shall have offended it in any manner whatsoever. It renounces solemnly and for ever to exact tributes of children, male and female, and every other kind of tax. It engages to consider such of these people only as its subjects as shall have belonged to it from all antiquity; to leave and restore all the castles and fortified places which have been under the dominion of the Georgians and Mingrelians, to their own exclusive custody and government; as also not to molest in any manner the religion, monasteries, and churches; not to hinder the repairing of dilapidated ones, nor the building of new ones; and it promises that these people shall not be oppressed on the part of the Governor of Tschildirsk, and other chiefs and officers, by exactions which despoil them of their property. But as the said people are subjects of the Sublime Porte, Russia must not, in future, intermeddle in any manner in their affairs, nor molest them in any way.

XXIV. . . . As to the islands of the Archipelago, they shall be left, as heretofore, under the legitimate dominion of the Ottoman Porte, by the fleet and the Imperial troops of Russia, as soon as the arrangements and peculiar necessities of the fleet shall permit, with regard to which it is not possible to assign here the precise time. And the Sublime Porte, in order to accelerate as much as possible the departure of the said fleet, already engages, as a friendly Power, to furnish it, as far as it can, with every necessary of which it may be in need.

During the stay of the Imperial troops of Russia in the Provinces to be restored to the Sublime Porte, the government and po-

lice shall remain there in the same vigour as at present and since the conquest, and the Porte must take no part whatever therein, during the whole of this time, nor until the entire withdrawal of all the troops. Up to the last day of their quitting these countries, the Russian troops shall be provided with all necessaries, as well provisions as other articles, in the same manner as they have hitherto been furnished with them.

The troops of the Sublime Porte must not enter the fortresses which shall be restored to it, nor shall that Power commence to exercise its authority in the countries which shall be given up to it, until at each place or country which shall have been evacuated by the Russian troops, the Commander of those troops shall have given notice thereof to the officer appointed for that purpose on the part of the Ottoman Porte.

The Russian troops may, at their pleasure, empty their magazines of ammunition and provisions which are in the fortresses, towns and wherever else they may be, and they shall leave nothing in the fortresses restored to the Sublime Porte but such Turkish artillery as is actually found there. The inhabitants in all the countries restored to the Sublime Porte, of whatever state and condition they may be, and who are in the Imperial service of Russia, have the liberty, besides the term allowed of one year, as assigned in the Articles XVI and XVII of the Treaty of Peace, of quitting the country and withdrawing with their families and property in the rear of the Russian troops; and conformably to the above-mentioned Articles, the Sublime Porte engages not to oppose their departure, neither then nor during the entire term of one year.

XXV. All the prisoners of war and slaves in the two Empires, men and women, of whatever rank and dignity they may be, with the exception of those who, in the Empire of Russia shall have voluntarily quitted Mahometanism in order to embrace the Christian religion, or in the Ottoman Empire shall have voluntarily abandoned Christianity in order to embrace the Mahometan faith, shall be, immediately after the exchange of the ratifications of this Treaty, and without any excuse whatever, be set at liberty on either side, and restored and delivered up without ransom or redemption money; in like manner, all the Christians fallen into slavery, such as Poles, Moldavians, Wallachians, Peloponnesians, inhabitants of the islands, and Georgians, all, without the least exception, must be set at liberty without ransom or redemption money. Similarly all Russian subjects who, since the conclusion of this happy peace, shall by any accident have fallen into slavery, and who shall be found in the Ottoman Empire, must be set at liberty and restored in like manner; all which the Empire of Russia promises also to observe, on its part, towards the Ottoman Porte and its subjects.

XXVI. After having received in Crimea and in Oczakow intelligence of the signature of these Articles, the Commander of the Russian army in Crimea, and the Governor of Oczakow must immediately communicate with each on the subject, and within two months after the signing of the Treaty send, respectively, persons duly accredited for effecting, on the one hand, the cession, and on the other the taking possession, of the Castle of Kinburn, with the desert, as stipulated in Article XVIII above; and this the said Commissioners must absolutely effect within two months from the day of their meeting, in order that within four months, or even sooner, reckoning from the signing of the Treaty, the whole of this business be accomplished, and immediately after the said execution thereof, notice of the same shall be given to their Excellencies the Field-Marshal and the Grand Vizier.

XXVII. But in order that the present peace and sincere friendship between the two Empires be so much the more strongly and authentically sealed and confirmed, there shall be sent on both sides solemn and extraordinary Embassies with the Imperial ratifications signed, confirmatory of the Treaty of Peace, at such time as shall be agreed upon by both the High Contracting Parties. The Ambassadors shall be met

on the frontiers in the same manner, and they shall be received and treated with the same honours and ceremonies as are observed in the respective Embassies between the Ottoman Porte and the most respectable Powers. And as a testimonial of friendship, there shall be mutually sent through the medium of the said Ambassadors presents which shall be proportionate to the dignity of their Imperial Majesties.

XXVIII. After these Articles of the perpetual peace shall have been signed by the said Plenipotentiaries, the Lieutenant General Prince Repnin, and on the part of the Sublime Porte the Nischandgi Resmi Achmet Effendi and Ibrahim Munib Effendi, all hostilities are to cease between the principal as well as between the separate corps, both by land and by sea, so soon as orders to that effect shall have been received from the Commanders of the two armies. For this purpose, couriers must first of all be dispatched on the part of the Field-Marshal and the Grand Vizier into the Archipelago, to the fleet which is in the Black Sea, opposite to the Crimea, and to all the places where hostilities are being mutually carried on, in order that by virtue of the concluded peace all warfare and hostile operations may cease and determine; and these couriers shall be provided with orders on the part of the Field-Marshal, and of the Grand Vizier, in such wise, that should the Russian courier arrive first at the quarters of the Commander to whom he is sent, he may, through his means, transmit to the Turkish Commander the orders of the Grand Vizier; and in like manner, if the courier of the latter should be the first to arrive, then the Turkish Commander may transmit to the Russian Commander the orders of the Field-Marshal.

And as the negotiation and accomplishment of this peace have been confided by the Sovereigns of the respective Empires to the care of the Commanders-in-chief of their armies, namely, the Field-Marshal Count Pierre de Roumanzow, and the Grand Vizier of the Sublime Porte, Mousson Zade Mechmet Bacha, the said Field-Marshal and Grand Vizier must, by virtue of the full power given to each of them by their Sovereigns, confirm all the said Articles of the perpetual peace as they are herein expressed, and with the same force as if they had been drawn up in their presence, sign them with the seal of their coat-of-arms, observe and faithfully and inviolably accomplish all that has been there stipulated and promised, do nothing, nor suffer anything whatsoever to be done in contravention of the said Treaty, and the copies, in every respect similar to the present one, signed by them, and having their seals attached, on the part of the Grand Vizier in the Turkish and Italian language, and on the part of the Field-Marshal in Russian and Italian, as well as the full-powers to them given by their Sovereigns, shall be respectively exchanged by the same persons above-mentioned, who have been sent, on the part of the Sublime Porte, to the Field-Marshal, within five days without fail, reckoning from the day of the signing of the present Treaty, and sooner if it be possible; it being, from this present time, determined that they shall receive the said copies from the Field-Marshal as soon as they shall have notified that those of the Grand Vizier have reached them.

22. DECREE OF THE FRENCH DIRECTORY INSTRUCTING NAPOLEON TO LAUNCH THE EGYPTIAN CAMPAIGN
12 April 1798

[Translated from French text in *Correspondance de Napoléon I^er^* (Paris, 1860), vol. 4, pp. 52–53]

"Napoleon's policies for the Near East," we are told by one Western authority, "account in great part for the ultimate collapse of his imposing empire." This assertion, accurate as far as it goes, relates the Western side of the story. Examining the same events from Istanbul, Tehran, and Cairo, we must conclude that Napoleon's schemes in the decade following

1798 for defeating England by occupation of, or alliance with and transit through, Near and Middle East states produced basic changes in the internal politics of the area and in European diplomacy toward the Islamic countries concerned. The French occupation of Egypt (1798–1801) brought Mehmed 'Ali to the Nile Valley and led to his personal transformation from an obscure Macedonian tobacco vendor into the founder of modern Egypt. This, in turn, contributed to the acceleration of the Westernization effort within the Ottoman Imperial government. It also inaugurated the nineteenth-century phase of the Eastern Question among the European powers and, as regards their relations with the Muslim East, marked the transition in primary emphasis from commercial to political diplomacy. Napoleon himself drafted the following decree for the French Directory. But the Directory was pleased to have the popular general become enmeshed in an overseas venture. The literature on the French occupation of Egypt is enormous. Only a sample is mentioned here. *Correspondance de Napoléon Ier*, vols. 4–6 (original documentation) and vols. 29–30 (Bonaparte's retrospective account of his Egyptian campaign); C. de la Jonquière, *L'Expédition d'Égypte*, 5 vols. (documentation); General L. A. Berthier, *Relation des campagnes du général Bonaparte en Égypte et en Syrie;* General H. G. Bertrand, *Campagnes d'Égypte et de Syrie 1798–1799*, 2 vols.; A. Boulay de la Meurthe, *Le Directoire et l'expédition d'Egypte;* F. Charles-Roux, *Les Origines de l'expédition d'Égypte* and *L'Angleterre et l'expédition française en Egypte*, 2 vols. (four preceding, French interpretative accounts); S. Ghorbal, *The Beginnings of the Egyptian Question and the Rise of Mehemet Ali*, chaps. 1, 2, 6 (an Egyptian view); R. T. Wilson, *History of the British Expedition to Egypt;* T. Walsh, *Journal of the late Campaign in Egypt;* G. Baldwin, *Political Recollections relative to Egypt* (British attitudes).

The Executive Directory,

Considering that the beys who have seized the government of Egypt have established intimate ties with the English and have placed themselves under their [the English] absolute dependence; that in consequence they have engaged in open hostilities and most horrible cruelties against the French whom they vex, pillage and assassinate daily;

Considering that it is its duty to pursue the enemies of the Republic wherever they may be and in any place where they engage in hostile activities;

Considering, in addition, that the infamous treason which enabled Britain to become mistress of the Cape of Good Hope has rendered access to India by the customary route very difficult to the vessels of the Republic, it is important to open to the Republican forces another route, to combat the satellites of the English Government and dry up the source of its corruptive riches;

Decrees as follows:

ART. 1. The General-in-Chief of the army of the Orient shall direct the land and sea forces under his command to Egypt and shall take over that country.

ART. 2. He shall expel the English from all their possessions in the Orient which he can reach and shall in particular destroy all their factories [trading posts] on the Red Sea.

ART. 3. He shall have the Isthmus of Suez cut and shall take all necessary measures to insure to the French Republic the free and exclusive possession of the Red Sea.

ART. 4. He shall improve by all the means at his disposal the conditions of the natives of Egypt.

ART. 5. He shall maintain, as much as this depends on him, good understanding with the Grand Seigneur [the Ottoman Sultan] and his immediate subjects.

ART. 6. The present decree shall not be printed.

23. NAPOLEON'S PROCLAMATION TO THE EGYPTIANS
2 July 1798

[Translated from French text in *Correspondance de Napoléon Ier* (Paris, 1860), vol. 4, pp. 191–92]

Napoleon issued the following statement immediately upon his triumphant entry into Alexandria, proclaiming himself the protector of Islam and savior of the Egyptian people. The identical theme, it will be readily recognized, was employed by Kaiser Wilhelm II in 1898 during his visit to Damascus and by Mussolini and Hitler four decades later in their respective efforts to win friends and undermine the influence of Britain and France in the Near and Middle East. S. Ghorbal, *The Beginnings of the Egyptian Question and the Rise of Mehemet Ali,* chap. 2; F. Charles-Roux, *Bonaparte, gouverneur d'Égypte* (also English translation by E. W. Dickes); D. Lacroix, *Bonaparte en Egypte; Journal d'Abdurrahman Gabarti pendant l'occupation française en Égypte,* trans. from Arabic by A. Cardin; A. L. P. Dennis, *Eastern Problems at the Close of the Eighteenth Century,* chap. 3.

Bonaparte, member of the National Institute, General-in-Chief:

For a long time, the beys governing Egypt have insulted the French nation and its traders: the hour of their punishment has come.

For too long, this assortment of slaves bought in Georgia and the Caucasus have tyrannized the most beautiful part of the world; but God, on Whom all depends, has ordained that their empire is finished.

Peoples of Egypt, you will be told that I have come to destroy your religion; do not believe it! Reply that I have come to restore your rights, to punish the usurpers, and that I respect more than the Mamluks God, his Prophet and the Quran.

Tell them that all men are equal before God; that wisdom, talents and virtues alone make them different from one another.

But, what wisdom, what talents, what virtues distinguish the Mamluks, that they should possess exclusively that which makes life pleasant and sweet?

Is there a good piece of land? It belongs to the Mamluks. Is there a pretty slave, a fine horse, a beautiful house? They belong to the Mamluks.

If Egypt is their farm, let them show the lease which God has granted them. But God is just and merciful to the people.

All Egyptians will be called to administer all places; the wisest, the best educated and the most virtuous will govern, and the people will be happy.

Of old, there used to exist here, in your midst, big cities, big canals, a thriving commerce. What has destroyed all this, but Mamluk avarice, injustice and tyranny?

Qadis, shaykhs, imams, çorbacıs [commanders of Janissary regiments], tell the people that we are the friends of the true Mussulmans.

Did we not destroy the Pope, who said that war should be waged against the Mussulmans? Did we not destroy the Knights of Malta, because those insane people thought that God wanted them to wage war against the Mussulmans? Have we not been for centuries the friends of the Grand Seigneur (may God fulfil his wishes!) and the enemies of his enemies? Have not the Mamluks, on the contrary, always revolted against the authority of the Grand Seigneur, whom they still ignore? They do nothing but satisfy their own whims.

Thrice happy are those who join us! They shall prosper in wealth and rank. Happy are those who remain neutral! They will have time to know us and they will take our side.

But unhappiness, threefold unhappiness to those who arm themselves for the Mamluks and fight against us! There shall be no hope for them; they shall perish.

ART. 1. All villages within a radius of three leagues from the locations through which the army will pass will send a deputation to inform the Commanding General that they are obedient, and to notify him that they have hoisted the army flag; blue, white, and red.

ART. 2. All villages taking up arms against the army shall be burnt down.

ART. 3. All villages submitting to the army will hoist, together with the flag of the Grand Seigneur, our friend, that of the army.

ART. 4. The shaykhs shall have seals placed on the possessions, houses [and] properties belonging to the Mamluks, and will see that nothing is looted.

ART. 5. The shaykhs, the qadis and the imams shall continue to perform their functions. Each inhabitant shall remain at home, and prayers shall continue as usual. Each man shall thank God for the destruction of the Mamluks and shall shout Glory to the Sultan! Glory to the French army, friend! May the Mamluks be cursed, and the peoples of Egypt blessed!

BONAPARTE

24. EAST INDIA COMPANY'S AGREEMENT WITH IMAM OF MASQAT FOR EXCLUDING THE FRENCH FROM HIS TERRITORIES

12 October 1798

(Approved by the Governor-General of India in Council, 26 April 1800)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, pp. 287–88]

Agents of the East India Company penetrated the Persian Gulf area for commercial purposes as early as the start of the seventeenth century. But the agreement with the Imam of Masqat, concluded in October 1798 as a defensive measure against Napoleon's Egyptian campaign, constituted the first of a series of acts which gradually placed most of the principalities along the eastern and southern littorals of the Arabian Peninsula in varying degrees of dependence on Great Britain. An agreement of 18 January 1800 (text in Aitchison, *op. cit.*, p. 288) stipulated "that an English gentleman of respectability, on the part of the Honourable Company, shall always reside at the port of Muscat, and be an Agent through whom all intercourse between the States shall be conducted." Aitchison, *op. cit.* (basic documents); Salil ibn Raziq, *The History of the Imâms and Seyyids of 'Omân* (trans. by G. P. Badger); V. Maurizi, *History of Seyd Said, Sultan of Muscat;* R. Coupland, *East Africa and Its Invaders,* chap. 4; G. N. Curzon, *Persia and the Persian Question,* vol. 2, chap. 27; Sir A. T. Wilson, *The Persian Gulf,* chap. 15; H. J. Liebesny, "International Relations of Arabia, the Dependent Areas," *Middle East Journal,* 1 (1947), 148–68; J. Y. Brinton, "The Arabian Peninsula: the Protectorates and Sheikhdoms," *Revue égyptienne de droit international,* 3 (1947), 5–38; J. W. Kaye, *The Life and Correspondence of Major-General, Sir John Malcolm,* vol. 1, chap. 7.

ART. 1. From the intervention of the Nawab Etmandi Edowla Mirza Mehedy Ally Khan Bahadoor Hurhmut Jung never shall there be any deviation from this Cowlnamah.

ART. 2. From the recital of the said Nawab my heart has become disposed to an increase of the friendship with that State, and from this day forth the friend of that Sircar is the friend of this, and the friend of the Sircar is to be the friend of that; and, in like manner, the enemy of that Sircar is the enemy of this, and the enemy of this is to be the enemy of that.

ART. 3. Whereas frequent applications have been made, and are still making, by the French and Dutch people for a Factory, *i.e.,* to seat themselves in either at Maskat or Goombroom, or at the other ports of this Sircar, it is therefore written that, whilst warfare shall continue between the English Company and them, never shall, from respect to the Company's friendship, be given to them throughout all my territories a place to fix or seat themselves in, nor shall they get even ground to stand upon within this State.

ART. 4. As there is a person of the French nation, who has been for these several years in my service, and who hath now gone in command of one of my vessels to the Mauritius, I shall, immediately on his return, dismiss him from my service and expel him.

ART. 5. In the event of any French ves-

sel coming to water at Muscat, she shall not be allowed to enter the cove into which the English vessels are admitted, but remain without; and in case of hostilities ensuing here between the French and English ships, the force of this State by land and by sea, and my people, shall take part in hostility with the English, but on the high seas I am not to interfere.

ART. 6. On the occurrence of any shipwreck of a vessel or vessels appertaining to the English, there shall certainly be aid and comfort afforded on the part of this Government, nor shall the property be seized on.

ART. 7. In the port of Abassy (Goombroom) whenever the English shall be disposed to establish a Factory, I have no objection to their fortifying the same and mounting guns thereon, as many as they list, and to forty or fifty English gentlemen residing there, with seven or eight hundred English Sepoys, and for the rest, the rate of duties on goods on buying and selling will be on the same footing as at Bussora and Abushehr.

25. DEFENSIVE ALLIANCE: GREAT BRITAIN AND THE OTTOMAN EMPIRE
5 January 1799

(Denounced by the Sublime Porte, 14 November 1806)

[*Journals of the House of Commons,* vol. 57, Appendix (No. 11), p. 702]

Napoleon's invasion of Egypt temporarily dissolved Russo-Ottoman hostility, which had grown in the preceding 120 years as a result of six major wars, and aroused in the British government for the first time genuine concern for preserving the territorial integrity of the sultan's realm. Russia contracted at Istanbul the first defensive alliance with its southern neighbor on 23 December 1798/3 January 1799 (the old style date of this agreement, as if it were the new style, appears almost universally in works on the subject; French text of public clauses in G. Noradounghian, *Recueil d'Actes internationaux de l'empire ottoman,* vol. 2, pp. 24–27) for a period of eight years. In separate and secret articles Russia undertook to provide the Ottoman government with a fleet of twelve ships of the line and, if required, an army of 75,000 to 80,000 men. The Sublime Porte for its part consented "for this time only" to the free passage of Russian war vessels through the straits. To the Russo-Ottoman alliance the United Kingdom adhered on the terms specified in the following instrument, which, as one British historian observed, represented "the most extensive pledge" England ever gave to the Ottoman Empire. Once the Sublime Porte denounced the Anglo-Ottoman treaty in November 1806, less than two months before its stipulated date of expiry, British policy toward the Ottoman Empire lapsed into its earlier state of ambiguity until resuscitated by Lord Palmerston in the 1830's. H. Temperley, *England and the Near East,* pp. 43–46, 409–10; P. H. Mischef, *La Mer Noire,* chap. 3; for Anglo-French relations in Egypt during and immediately after the French occupation, S. Ghorbal, *Beginnings of the Egyptian Question,* chaps. 8–10; R. T. Wilson, *History of the British Expedition to Egypt;* T. Walsh, *Journal of the Late Campaign in Egypt;* F. Charles-Roux, *L'Angleterre et l'expédition française en Egypte,* 2 vols.; G. Douin and E. C. Fawtier-Jones, *L'Angleterre et l'Egypte, la politique mameluke,* 2 vols.; the factors contributing to the abrupt termination of the tripartite alliance of the Ottoman Empire, England and Russia are probed by V. J. Puryear, *Napoleon and the Dardanelles,* chaps. 6, 7; P. F. Shupp, *The European Powers and the Near Eastern Question, 1806–1807.*

ART. I. His Britannic Majeſty, connected already with his Majeſty the Emperor of Ruſſia by the Ties of the ſtricteſt Alliance, accedes, by the preſent Treaty, to the Defenſive Alliance which has juſt been concluded between his Majeſty the Ottoman Emperor and the Emperor of Ruſſia, as far as the Stipulations thereof are applicable to the local Circumſtances of his Empire, and of that of the Sublime Porte: And his Majeſty the Ottoman Emperor enters reciprocally by this Treaty into the ſame Engagements towards His Britannic Majeſty, ſo that there ſhall exiſt for ever between the Three Empires, by virtue of the preſent Defenſive

Treaty, and of the Alliances and Treaties which already ſubſiſt, Peace, good Underſtanding, and perfect Friendſhip, as well by Sea as land, ſo that for the future the Friends of One of the Parties ſhall be the Friends of the Two others; and the Enemies of One ſhall, in like Manner, be conſidered as ſuch by the others. On this Account the Two High Contracting Parties promiſe and engage to come to a frank and mutual Underſtanding in all Affairs in which their reciprocal Safety and Tranquillity may be intereſted, and to adopt, by common Conſent, the neceſſary Meaſures to oppoſe every Project hoſtile towards themſelves, and to effectuate general Tranquillity.

II. In order to give to this Alliance a full and entire Effect, the Two High Contracting Parties mutually guarantee to each other their Poſſeſſions; His Britannic Majeſty guarantees all the Poſſeſſions of the Ottoman Empire, without Exception, ſuch as they ſtood immediately before the Invaſion of the French in Egypt: And his Majeſty the Ottoman Emperor guarantees all the Poſſeſſions of Great Britain, without any Exception whatever.

III. Notwithſtanding the Two Contracting Parties reſerve to themſelves the full Right of entering into Negociation with other Powers, and to conclude with them whatever Treaties their Intereſts may require, yet they mutually bind themſelves in the ſtrongeſt Manner, that ſuch Treaties ſhall not contain any Condition which can ever produce the leaſt Detriment, Injury, or Prejudice, to either of them, or affect the Integrity of their Dominions; on the contrary, they promiſe to regard and preſerve, to their utmoſt, their reciprocal Honour, Safety, and Advantage.

IV. In every Caſe of an hoſtile Attack upon the Dominions of One of the Contracting Parties, the Succours which the other is to furniſh ſhall be regulated by the Principles of good Faith, and in conformity with the cloſe Friendſhip ſubſiſting between the Two Empires, according to the Nature of the Caſe.

V. Whenever the Two Contracting Parties make common Cauſe either with all their Forces, or with the Succours furniſhed by virtue of this Alliance, neither Party ſhall make either Peace, or a durable Truce, without compriſing the other in it, and without ſtipulating for its Safety; and in Caſe of an Attack againſt One of the Two Parties in hatred of the Stipulations of this Treaty, or of their faithful Execution, the other Party ſhall come to its Aſſiſtance in the Manner the moſt uſeful and the moſt conformable to the common Intereſt, according to the Exigency of the Caſe.

VI. The Two High Contracting Parties have agreed and reſolved, that when their Fleets, Squadrons, Ships, and other Veſſels of War, ſhall meet, they ſhall ſalute each other, Attention being paid on both Sides, in order to begin the Salute, to the Superiority of Rank of the Commanders, manifeſted by the Flag of Command; and in caſe of an Equality of Rank, no Salute ſhall be made. The Salute ſhall be anſwered by the ſame Number of Guns as were fired by the Party firſt ſaluting. Boats ſhall be reciprocally ſent upon theſe Occaſions for the Purpoſe of concerting the Mode of Salute, in order to avoid all Miſunderſtanding.

VII. The Trophies, and all the Plunder taken from the Enemy, ſhall be the Property of the Troops making ſuch Capture.

VIII. The Two High Contracting Parties being actually engaged in War with the common Enemy, have agreed to make common Cauſe, and not to conclude any Peace or Truce but by common Conſent, as it has been ſtipulated in the Fifth Article; ſo that on the one Side the Sublime Porte, notwithſtanding the Ceſſation of the Actual Attack directed againſt her Dominions, ſhall be bound to continue the War, and to remain attached to the Cauſe of her Auguſt Allies, until the Concluſion of a Peace juſt and honourable, as well for them as for herſelf; and, on the other Side, His Britannic Majeſty ſhall be equally bound not to make Peace with the common Enemy without providing for the Intereſts, the Honour, and the Safety of the Ottoman Empire.

IX. The Two Allies, making thus common Cauſe, promiſe to communicate to each other their Intentions relative to the Duration of the War, and to the Conditions of Peace, governing themſelves by juſt and

equitable Principles, and having an Underſtanding with each other in this reſpect.

X. In order to render more efficacious the Succour to be furniſhed on both Sides during the War, according to the Spirit of the preſent Treaty of Alliance, the Two High Contracting Parties will concert together upon the Operations moſt ſuitable to be made in order to render abortive the pernicious Deſigns of the Enemy in general and eſpecially in Egypt, and to deſtroy their Commerce in the Seas of the Levant, and in the Mediterranean; and for this Purpoſe his Majeſty the Ottoman Emperor engages not only to ſhut all his Ports, without Exception, againſt the Commerce of the Enemy, but likewiſe to employ againſt them in his Dominions (and in order to prevent the Execution of their ambitious Projects) an Army, conſiſting at leaſt of 100,000 Men, and even to augment it, in caſe of Need, to the Extent of his whole Forces: He ſhall alſo put his Naval Forces in a State of Preparation to act in concert with thoſe of his Allies in the Seas above-mentioned:— And His Britannic Majeſty, on His Part, reciprocally engages Himſelf to employ in the ſame Seas, a Naval Force always equal to that of the Enemy, to annoy them; and to act in concert with the Fleets of His Allies, in order to impede the Execution of their Plans, and eſpecially to prevent any Attack upon the Dominions or Provinces of the Ottoman Empire.

XI. In as much as the preſence of the Britiſh Forces in the Seas of the Levant has for its principal Object the Defence of the Ottoman Coaſts, and that Deſertion, by weakening the Means, muſt unavoidably hurt the Cauſe, the Two High Contracting Powers promiſe not to tolerate it under any Pretext or Motive.

XII. Notwithſtanding the Two High Contracting Parties deſire to maintain theſe Engagements in Force as long as poſſible, nevertheleſs, as Circumſtances might in Time require ſome Change, it is agreed to fix the Term of Eight Years for this Definitive Treaty of Defenſive Alliance, to be computed from the Day of the Ratifications being exchanged. At the Expiration of this Term, the Two Parties ſhall enter into amicable Explanations for the Renewal of it, conforming themſelves to the then Situation of Affairs.

XIII. The preſent Treaty of Defenſive Alliance ſhall be ratified by His Majeſty the King of Great Britain, and his Majeſty the Emperor of the Ottomans; and the Ratifications ſhall be exchanged at Conſtantinople in Three Months, or ſooner, if poſſible.

26. OTTOMAN GRANT OF COMMERCIAL PRIVILEGES IN THE BLACK SEA TO BRITISH MERCHANT VESSELS

30 October 1799

[*British and Foreign State Papers,* vol. 1, part 1, pp. 766–68]

Russia acquired for its merchant vessels in 1774 "a free and unimpeded navigation" in the Black Sea and a "free passage" through the Straits (article 11, treaty of Küçük Kaynarca). Austria received for its mercantile shipping identical advantages in a *senet* (bond) from Grand Vezir Hamid on 24 February 1784 (French texts of *senet* and Austrian note of acceptance in G. Noradounghian, *Recueil d'actes internationaux de l'empire ottoman,* vol. 1, pp. 379–86). Sultan Selim III (1789–1807), in the following *takrir* or official note, conferred the same rights on a most favored nation basis upon the commercial vessels of Great Britain, the first Western maritime power to procure them. The rights were reaffirmed on 23 July 1802 (text of note in E. Hertslet, *Turkey Treaties,* p. 270). A. C. Wood, *History of Levant Company,* chap. 10; J. T. Shotwell and F. Deák, *Turkey at the Straits,* chap. 3.; J. H. Rose, "The Political Reactions of Bonaparte's Eastern Expedition," *English Historical Review,* 44 (1929), 48–58.

The friendship and concord which, since time immemorial, have subsisted between the Sublime Porte of steadfast glory, and the Court of England, being now happily improved into an Alliance established upon

the firmest basis of truth and sincerity; and it being beyond doubt, that, in addition to the numerous advantages reaped hitherto by both Countries from the new ties so strongly formed between the 2 Courts, many more salutary effects will, by the pleasure of God, be witnessed in future.

Mature attention has, therefore, been paid to the representations, relative to the permission being graciously granted for the navigation of English Merchant Vessels in the Black Sea, which have been of late made, both verbally and in writing, by the English Minister at this Court, Mr. Spencer Smith, our most esteemed Friend, in conformity to his instructions, and consistently with the confidence he is ever ambitious to manifest, in the inviolable attachment, which the Sublime Porte, of everlasting duration, professes towards his Court.

In fact, this being a means whereby to evince, in a still further degree, the attachment, the regard, and fidelity which are professed towards the Court of Great Britain by the Sublime Porte, of steadfast glory, whose adherence to the obligations of Treaties, as well as faithful attention to fulfil the duties of friendship, are unexceptionable; and it being sincerely hoped, that many more salutary effects will henceforward accrue from the close connexion so firmly contracted between the 2 Courts.

A cordial grant of the above point is hereby made, as an act springing from the sovereign breast of His Imperial Majesty himself. This privilege shall take effect with respect to the Merchant Vessels of Great Britain, exactly on the same footing observed with those of the most favoured Powers; it being understood, that its execution be proceeded upon, immediately after the burden of the said Vessels, the mode of their transit through the Straits of Constantinople, and such other arrangements as appertain to this matter, shall have been settled in proper detail by friendly communication with the Minister beforenamed: and that the same Minister our Friend may notify this valuable concession to his Court, the present Memorial is written, and delivered to him by express command.

27. TREATIES OF ALLIANCE AND COMMERCE: GREAT BRITAIN AND PERSIA

28 January 1801

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, pp. 45–53]

With the establishment of the Qajar dynasty in 1796, Persia was reunited under a central government. It now became desirable for the East India Company to have its commercial privileges in Persia reaffirmed by the new monarchy. To the commercial interests were added political, after Napoleon's dramatic appearance in Egypt in the summer of 1798 and the company's consequent fear of an attempted French invasion of India with possible Persian collaboration. The anxiety was compounded by designs on northern India of Zaman Shah, the Afghan ruler at Kabul. The governor-general of India late in December 1799 sent a young Scottish captain, named John Malcolm, as special ambassador to Tehran, the Qajar capital, to negotiate treaties that would serve the political interests of British India and the United Kingdom and the commercial interests of the company. Some ten months elapsed before Malcolm reached his destination and was formally presented to Fath 'Ali Shah (1797–1834). The envoy's lavish disbursement of gifts hastened the drafting of the desired agreements, which were issued as *farmans* (decrees) and therefore did not require ratification. But both sides repudiated the treaties in less than a half-dozen years. The dating of the two documents is based on that in Malcolm's private diary as reported by his official biographer, who was apparently more precise on this point than Aitchison. The preambular flourishes and commands of the shah enjoining his officials and subjects "cheerfully [to] comply and execute the clear sense and meaning" of the two instruments have been omitted below. J. W. Kaye, *Life and Correspondence of Malcolm*, vol. 1, chap. 7; Sir P. Sykes, *History of Persia*, vol. 2, chap. 75; Sir H. Rawlinson, *England and Russia in the East*, chap. 1.

1. THE POLITICAL TREATY

ART. 1. As long as the sun, illuminating the circle of the two great contracting powers, shines on their sovereign dominions and bestows light on the whole world, the beautiful image of excellent union shall remain fixed on the mirror of duration and perpetuity, the thread of shameful enmity and distance shall be cut, conditions of mutual aid and assistance between the two States shall be instituted, and all causes of hatred and hostility shall be banished.

ART. 2. If the king of the Afghans should ever show a resolution to invade India, which is subject to the government of the monarch (above mentioned) the prince of high rank, the king of England, an army overthrowing mountains, furnished with all warlike stores, shall be appointed from the State of the conspicuous and exalted, high and fixed in power (the king of Persia), to lay waste and desolate the Afghan dominions, and every exertion shall be employed to ruin and humble the above mentioned nation.

ART. 3. Should it happen that the king of the Afghans ever becomes desirous of opening the gates of peace and friendship with the government of the king (of Persia), who is in rank like Solomon, in dignity like Jumsheed, the shade of God! who has bestowed his mercy and kindness on the earth; when negotiations are opened for an amicable adjustment, it shall be stipulated in the peace concluded that the king of the Afghans, or his armies, shall abandon all design of attack on the territories subject to the government of the king above mentioned, who is worthy of royalty, the king of England.

ART. 4. Should ever any king of the Afghans or any person of the French nation commence war and hostilities with the powerful of the ever enduring State (of the king of Persia), the rulers of the government of the king (of England), whose Court is like heaven, and who has been before mentioned, shall (on such event) send as many cannon and warlike stores as possible, with necessary apparatus, attendants, and inspectors, and such supply shall be delivered over at one of the ports of Persia, whose boundaries are conspicuous, to the officers of the high in dignity, the king of Persia.

ART. 5. Should it ever occur that an army of the French nation, actuated by design and deceit, attempts to settle with a view of establishing themselves on any of the islands or shores of Persia, a conjunct force shall be appointed by the two high contracting States to act in co-operation for their expulsion and extirpation, and to destroy and put an end to the foundation of their treason. It is a condition, if such event happens, and the conquering troops (of Persia) march, that the officers of the government of the king (of England), who is powerful as the heavens and as before mentioned, shall load, transport, and deliver (for their service) as great a quantity of necessaries, stores, and provisions as they possibly can. And if ever any of the great men of the French nation express a wish or desire to obtain a place of residence or dwelling on any of the islands or shores of the kingdom of Persia that they may there raise the standard of abode or settlement, such request or representation shall not be consented unto by the high in rank of the State encompassed with justice (the government of Persia), and leave for their residing in such a place shall not be granted.

While time endures, and while the world exists, the contents of this exalted Treaty shall remain an admired picture in the mirror of duration and perpetuity, and submission to the fair image on this conspicuous page shall be everlasting.

2. THE COMMERCIAL TREATY

ART. 1. The merchants of the high contracting States are to travel and carry on their affairs in the territories of both nations in full security and confidence, and the rulers and governors of all cities are to consider it their duty to protect from injury their cattle and goods.

ART. 2. The traders and merchants of the kingdom of England or Hindoostan that are in the service of the English Government shall be permitted to settle in any

of the seaports or cities of the boundless empire of Persia (which may God preserve from calamity) that they prefer; and no government duties, taxes, or requisitions shall ever be collected on any goods that are the actual property of either of the governments; the usual duties on such to be taken from purchasers.

ART. 3. Should it happen that either the persons or property (of merchants) are injured or lost by thieves or robbers, the utmost exertions shall be made to punish the delinquents and recover the property. And if any merchant or trader of Persia evades or delays the payment of a debt to the English Government, the latter are authorized to use every possible mode for the recovery of their demands, taking care to do so in communication and with the knowledge of the ruler or governor of the place, who is to consider it as his duty to grant, on such occasion, every aid in his power. And should any merchants of Persia be in India, attending to their mercantile concerns, the officers of the English Government are not to prevent them carrying on their affairs, but to aid and favour them, and the above-mentioned merchants are to recover their debts and demands in the mode prescribed by the customs and laws of the English Government.

ART. 4. If any person in the empire of Persia die indebted to the English Government, the ruler of the place must exert his power to have such demand satisfied before those of any other creditor whatever. The servants of the English Government, resident in Persia, are permitted to hire as many domestic natives of that country as are necessary for the transaction of their affairs; and they are authorised to punish such, in cases of misconduct, in the manner they judge most expedient, provided such punishment does not extend to life or limb; in such cases the punishment to be inflicted by the ruler or governor of the place.

ART. 5. The English are at liberty to build houses and mansions in any of the ports or cities of Persia that they choose, and they may sell or rent all such houses or mansions at pleasure. And should ever a ship belonging to the English Government be in a damaged state in any of the ports of Persia, or one of Persia be in that condition in an English harbour, the Chiefs and rulers of the ports and harbours of the respective nations are to consider it as their duty to give every aid to refit and repair vessels so situated. And if it happens that any of the vessels of either nation are sunk or shipwrecked in or near the ports or shores of either country, on such occasions whatever part of the property is recovered shall be restored to their owners or their heirs, and a just hire is to be allowed by the owners to those who recover it.

FINAL ARTICLE. Whenever any native of England or India, in the service of the English Government, resident in Persia, wishes to leave that country, he is to suffer obstruction from no person, but to be at full liberty to do so, and to carry with him his property.

The Articles of the Treaty between the two States are fixed and determined. That person who turns from God turns from his own soul.

ADDITIONAL ARTICLE. It is further written in sincerity that on iron, lead, steel, broadcloth, and purpetts that are exclusively the property of the English Government, no duties whatever shall be taken from the sellers; a duty not exceeding one per cent. to be levied upon the purchasers. And the duties, imports, and customs which are at this period established in Persia and India (on other goods) are to remain fixed and not to be increased.

The high in rank Hajee Kulleel Khan Mullick-oo-Tijjar is charged and entrusted with the arrangement and settlement of the remaining points relative to commerce.

28. TREATY OF PEACE: FRANCE AND THE OTTOMAN EMPIRE
25 June 1802

(Ratifications exchanged, Paris, 8 September 1802)

[Translated from French text in G. Noradounghian, *Recueil d'actes internationaux de l'empire ottoman* (Paris, 1897), vol. 2, pp. 51–54]

The Anglo-French treaty of peace, signed at Amiens on 27 March 1802 and ending the first phase of the Napoleonic wars, stipulated in article 8 that "The territories, possessions and rights of the Sublime Porte are preserved in their integrity, just as they were before the war." Article 19 invited the Ottoman government to accede to the instrument. Sultan Selim III formally accepted the offer in an imperial *ferman* (decree) of 13 May, which led six weeks later to the conclusion of the following treaty. Former capitulatory privileges were restored to France and, of greater significance, French merchant vessels were expressly granted for the first time the rights already enjoyed by Russia, Austria, and the United Kingdom to trade freely in the Black Sea (Doc. 26). In insisting upon this right which delayed the signing of the treaty, Napoleon was motivated by a desire to open up trade with Russia, the Danubian and Transcaucasian territories, and Persia. Nor was he unmindful of the political benefits, vis-à-vis England and Russia, that might accrue from the development of new markets in southeastern Europe and southwestern Asia. As for the reciprocal guarantee of territorial integrity (article 5), Napoleon instructed the French negotiator to keep the assurances to the Ottoman Empire "vague, indeterminate, and general"; and to allay Ottoman fears, the Sublime Porte was exempted by a secret article from automatic involvement in wars between France and other states. V. J. Puryear, *Napoleon and the Dardanelles,* chap. 1; A. de Saint-Joseph, *Essai historique sur le commerce et la navigation de la mer Noire* (Paris, 1805); H. Dehérain, *La vie de Pierre Ruffin,* vol. 1, chaps. 8–10, vol. 2, chaps. 1–2; M. P. Coquelle, "L'Ambassade du maréchal Brune à Constantinople (1803–1805)," *Revue d'histoire diplomatique,* 18 (1904), 53–73; J. Julliany, *Essai sur le commerce de Marseille,* vol. 2, chap. 5.

ART. 1. There shall be peace and friendship in the future between the French Republic and the Ottoman Sublime Porte. Hostilities shall cease now and for ever between the two states.

ART. 2. The treaties or capitulations which, prior to the war, determined respectively the relations of every kind that existed between the two powers, are entirely renewed.

In consequence of this renewal and in execution of the articles of the old capitulations by virtue of which the French enjoyed in the states of the Sublime Porte all the benefits accorded to other powers, the Sublime Porte agrees that French vessels of commerce bearing the French flag henceforth shall enjoy without hindrance the right to enter into and navigate freely in the Black Sea.

The Sublime Porte agrees, furthermore, that the said French vessels, in their entrance into and departure from that sea and in everything that can favor their free navigation, shall be treated precisely like the merchant vessels of nations which navigate in the Black Sea. The Sublime Porte and the Government of the Republic will take in concert effective measures to purge of every sort of freebooters the seas serving the merchant vessels of both states. The Sublime Porte promises to protect the navigation of French merchant vessels on the Black Sea against all kinds of piracy.

It is understood that the benefits assured by the present article to the French in the Ottoman Empire are equally assured to the subjects and flag of the Sublime Porte in the seas and on the territory of the French Republic.

ART. 3. The French Republic shall enjoy in the Ottoman districts adjacent to the Black Sea, as much for its commerce as for the agents and commissioners of commercial relations which might be established in those places where French trade would render such establishment necessary, the

same rights, privileges and prerogatives enjoyed by France before the war in other parts of the states of the Sublime Porte, by virture of the old capitulations.

ART. 4. The Sublime Porte accepts, insofar as it is concerned, the treaty concluded at Amiens between France and England on the 4 Germinal X (27 March 1802). All articles of that Treaty relating to the Sublime Porte are formally renewed in the present Treaty.

ART. 5. The French Republic and the Sublime Porte mutually guarantee to each other the integrity of their possessions.

ART. 6. The restitutions and compensations due the agents of both powers as well as those due the citizens and subjects whose properties have been confiscated or sequestrated during the war, shall be arranged with equity by a special agreement that the two Governments will negotiate in Constantinople.

ART. 7. While awaiting the new decisions that will be taken in concert on the customs, the two countries shall for the time being act in conformity with the old capitulations.

ART. 8. If there remain additional prisoners still under detention as a result of the war between the two states, they shall be liberated immediately without ransom.

ART. 9. The French Republic and the Sublime Porte desirous in the present Treaty of establishing themselves in each other's territory on the basis of the most favored power, it is understood that they shall accord to each other in their respective states all the benefits which have been or might be accorded to other powers, as if these benefits were expressly stipulated in the present Treaty.

ART. 10. The ratifications of the present treaty shall be exchanged in Paris within 80 days or earlier if possible. . . .

ADDITIONAL AND SECRET ARTICLE OF THE FOREGOING TREATY

It is agreed by the government of the French Republic and the Ottoman Sublime Porte that Article 5 of the open Treaty concluded between the two powers, on this day, by the same undersigned Ministers Plenipotentiary and expressing the mutual guarantee of the integrity of their possessions, shall not be binding on the Sublime Porte against its will in wars that France might have to wage against other powers.

29. TREATY OF DEFENSIVE ALLIANCE: THE OTTOMAN EMPIRE AND RUSSIA
11/23 September 1805

(Ratifications exchanged, Istanbul, 29 December 1805; denounced by the Sublime Porte, 14 November 1806)

[Translated from French text in G. Noradounghian, comp., *Recueil d'actes internationaux de l'empire ottoman* (Paris, 1897), vol. 2, pp. 70–77]

When the Black Sea became a Russo-Ottoman lake in 1774 and the Russian merchant marine was allowed uninterrupted passage through the straits, Empress Catherine II aspired to become mistress of Constantinople and the straits, and thus to procure for Russian warships free transit through the strategic narrows. Tsar Paul I (1796–1801) managed to insert the thin edge of the wedge into the sultan's door in 1799 by obtaining through alliance—thanks to Napoleon's invasion of Egypt—a severely limited right of transit for Russian naval vessels through the Ottoman Straits. The recurrence of French aggression enabled Russia in negotiating, with British diplomatic support, a renewal of the alliance in 1805 to wheedle from the Ottoman government much more generous favors. Under the new dispensation the Sublime Porte recognized in principle that the defense of the straits was a joint responsibility of the two signatories. The Russian version of article 7 of the secret treaty, however, as will be seen below, was much more generous to the Tsarist regime than the Turkish version. Russia thus went as far as it could go, short of annexation, in fulfilling its manifest objectives at the straits. Indeed, the 1805 regime represented the widest con-

cession that the Sublime Porte was ever to make to Tsarist Russia on sharing responsibilities for the defense of the straits. But the arrangement had hardly been put into operation when it was upset by astute Napoleonic diplomacy, which before the end of 1806 smashed the triple alliance of Britain, the Ottoman Empire and Russia. V. J. Puryear, *Napoleon and the Dardanelles,* chaps. 3, 4; S. Goriainow, *Le Bosphore et les Dardanelles,* chaps. 2–4; C. Phillipson and N. Buxton, *The Question of the Bosphorus and Dardanelles,* part 2, chap. 2; Sir J. Headlam-Morley, *Studies in Diplomatic History,* chap. 8; M. P. Coquelle, "Sébastiani, ambassadeur à Constantinople, 1806–1808," *Revue d'histoire diplomatique,* 18 (1904), 574–611; P. F. Shupp, *European Powers and Near Eastern Question, 1806–1807,* chaps. 2–3.

1. PUBLIC TREATY

ART. 1. As a result of the peace, amity and good understanding very fortunately existing between the Sultan of the Ottomans and the Emperor of All the Russias as well as between their respective states and subjects, the bonds of good relations based on their mutual security and prosperity shall not only be maintained but shall also be drawn closer by the present defensive alliance, so that the friend of one of the two states will be considered a friend of the other and the enemy of the one an enemy of the other. In consequence, His Imperial Majesty the Sultan and His Majesty the Emperor of Russia undertake to act loyally in concert on all questions affecting the peace and security of the two Contracting Parties, and to ally themselves in taking necessary measures to repel every aggression against their respective countries and to re-establish common peace.

ART. 2. Whenever any power may manifest enmity toward one of the two Allied Powers or toward both, the Allied Power shall do everything that it can to prevent acts of hostility, but if it fails in its efforts to settle the litigation peacefully and if the menaced state is not in a position to repel with its own means the attack launched against it, its Ally shall come to its assistance with land and sea forces. In the event, however, that the required state cannot furnish an army of assistance because of its geographic position or remoteness, it shall then be obliged to help its Ally financially in proportion to the costs involved in sending an auxiliary army. As regards naval forces, the number of warships placed by one Ally at the service of the other shall not be fewer than six ships of the line and four frigates; and as regards land forces, the troops shall consist of at least ten thousand infantrymen and two thousand cavalrymen; but the land and sea forces shall not be furnished without a preliminary understanding to that effect.

ART. 3. The choice between armed assistance or a financial subsidy rests with the attacked state. If the latter requests assistance in the form of troops and war vessels, they will be furnished within a maximum of three months from the date of request. If financial assistance is requested, it will be furnished in installments effective the date of the declaration of war of the aggressor state or the date of commencement of hostilities.

ART. 4. Armament in artillery, war munitions and all the equipment of the assisting forces shall be at the expense of the expeditionary state. As to the rations of wheat, barley, straw and hay, they will be furnished in kind by the state requiring them, in same proportion and quality as those adopted in its own army in time of war, and this from the day the troops leave the frontiers of their country. To avoid any error or delay in this connection, the routes to be followed by these troops will be indicated in advance by the state requiring assistance. The state that has required assistance, for its part, will provide the troops of its ally with the same facilities and accommodations as those which they enjoy in their country and those which are assured to its own troops.

ART. 5. The state that may require from its ally the assistance of a naval force will be responsible for furnishing this force with necessary rations, effective on the date of arrival of the force in its territorial waters or in the waters where it may be called to maneuver, and for as long a time as it may serve against the common enemy, subject to conditions to be agreed upon by the two

Parties. In the event that it proves impossible to furnish the rations in kind, a financial subsidy proportional to the value of the rations agreed upon shall be paid. Furthermore, when the vessels of the assisting fleet may need repairs, the state requesting assistance will provide same in its own arsenals and stores at current prices without the least delay and without raising any difficulty. In addition to the vessels of the said fleet, the same treatment will also be assured, for the duration of the alliance, to other vessels of war and transport of the two Powers destined for common service. These vessels shall, therefore, have the right without impediment to enter the ports of one and the other Party for winter haven or for repair.

ART. 6. If the attacked state is unable, with its own forces or with the assistance of the land and sea forces furnished by its Ally in conformity with Article 2 of this treaty, to repel the aggression directed against it, its Ally shall participate openly in the war using all available forces until the conclusion of peace, provided however that this participation by land and by sea is possible in terms of its geographic position; but if the great distance separating the two countries renders impossible for one of the allies direct participation in the war with all its forces and if the attacked state signifies its desire to see the assisting contingent of land and sea forces augmented, the two states shall reach a common agreement on the scope and conditions of the necessary supplementary help.

ART. 7. The two High Contracting Parties undertake to communicate loyally to each other information pertaining to military measures taken and mutually to facilitate their execution on all occasions when their collective action is necessary, using all available forces or furnishing each other the assistance stipulated in the present treaty. They also obligate themselves to consult together concerning the prolongation of hostilities or the eventual conditions of peace. Neither of the two Allied States may conclude an armistice or peace with the enemy without including its ally and without assuring the security of the two countries.

ART. 8. The two Contracting States agree that, in commencing the salute when their fleets or large vessels or other ships of war meet, account will be taken of the rank of the commanders as evidenced by the flag hoisted to that effect. If the commanders of the two parties have the same rank, they will not exchange salutes. The one receiving the salute will answer by firing an equivalent number of guns. When meeting, the parties involved will therefore act in concert, through the despatch of launches, in order to avoid errors or misunderstanding on the subject.

ART. 9. The arms and munitions of war and the various effects taken from the enemy during the war will belong to the troops which seized them.

ART. 10. While the two High Contracting Parties have the right to negotiate and conclude, as in the past, treaties and conventions with other Powers, they nevertheless undertake in a clear and precise manner not to conclude agreements which might affect adversely the interests of the Allied State or its territorial integrity or to grant commercial advantages which might be harmful to the interests of the populations and subjects of the other country. On the contrary, each of the two Contracting Powers undertakes to defend to the extent possible in such a case the interests, the glory and the security of the other Party.

ART. 11. Since His Imperial Majesty the Sultan and His Majesty the Emperor of Russia, in concluding the present treaty of defensive alliance, seek not territorial expansion but only the maintenance of the integrity of their states, the security of their respective subjects and the balance essential to public tranquillity, and since they wish in this respect to safeguard from danger the positions of other states, they have decided to invite to participate in the alliance the King of England and other powers which, guided by laudable purposes, might be desirous of entering into such an alliance.

ART. 12. The treaty of peace, concluded at Jassy on 29 December 1791 and other conventions and acts mentioned therein plus the treaty of peace [relating to the

Ionian Islands] signed on 21 March 1800 are confirmed with the exception of clauses that have been modified by subsequent acts and by the clauses of the present treaty of alliance.

ART. 13. In order to strengthen their alliance, the two Contracting States mutually guarantee the integrity of all territories presently in their possession.

ART. 14. The two Contracting States have the firm desire to respect, as far as possible, the substance of the present treaty of defensive alliance. Since, however, changes in time and circumstances may require the alteration of some clauses, it has been decided that [the treaty] shall remain in force for a period of nine years following the date of the exchange of ratifications. At the approach of the expiry of this period, renewal of the act will be the subject of friendly negotiations between the two states. . . .

2. SECRET ARTICLES ANNEXED TO PUBLIC TREATY

ART. 1. Taking into grave consideration the state of affairs that obtains in Europe, the attitude and actions of France tending unjustly to enlarge her possessions, to upset the European equilibrium and to take away the territories of their respective states, given particularly the ends which she follows against the Ottoman Empire, His Imperial Majesty the Sultan, and His Majesty the Emperor of All the Russias, guided by the bonds and relations of constant and sincere friendship that so happily exist between them and that have been consolidated by the treaty of defensive alliance recently renewed, are convened to undertake negotiations free of all reserve on the subject of the above important questions. With the end in view of a defensive alliance of several of the Great Powers of Europe intended to oppose France's schemes—an alliance into which the Empire of Russia would enter—it is resolved that His Imperial Majesty the Sultan will cooperate in it as well, in accord with his august Ally. At the very least, the Ottoman Government will place at the disposal of his Ally the auxiliary troops mentioned in Article 2 of the defensive treaty of alliance and will make possible, for the duration of the war, passage through the Straits of Constantinople of vessels of war and transports that Russia may be obliged to send into inland waters.

ART. 2. His Majesty the Emperor of Russia intending to invite the governments of Austria, Prussia, Sweden and Denmark as well as other states to enter into the alliance that might be concluded by his country with England and with one of the above-mentioned powers, for the purpose of exerting collective pressure on France to obtain her consent to the establishment of a proper system [that will] produce and safeguard territorial equilibrium in Europe, maintain peace and public tranquillity and respect the principles of international law—the Government of His Majesty the Sultan for his part will cooperate in the realization of this laudable objective.

His Majesty the Emperor of Russia undertakes to open negotiations on the matter with the said powers, and the Government of His Imperial Majesty the Sultan accords him full and complete confidence in the measures adopted toward that end.

ART. 3. The Government of His Majesty the Sultan declares his firm intention to assure the peace and prosperity of the population of the districts of Albania, separated previously from the republic of Venice and reunited with Turkey, as well as the immunities that have been guaranteed to them, and to execute promptly the stipulations of the treaty concluded on the subject. No aggression on the part of the governors of the province or the commanders of the fleet will be tolerated against the said districts, nor any levy of taxes against the said population, who shall continue to enjoy all the immunities that they enjoyed under Venitian rule. Thus the terms of the treaty of 21 March 1800 [on the Ionian Islands] are deemed confirmed word for word by the present treaty. The Russian Minister at Constantinople reserves the right to intervene whenever acts contrary to these stipulations might occur, in which case the Imperial Ottoman Government will be held

liable to have the offenders indemnify the injured population.

ART. 4. Under the terms of Article 1 of the treaty concluded on 21 March 1800 between the Ottoman Empire and Russia, His Majesty the Emperor of Russia having guaranteed in his name as well as in that of his successors the integrity of the Ionian Islands, and the state of affairs in Italy still rendering necessary the Russian occupation of these islands, it is decided that this [occupation] will continue so long as the situation which provoked it is not modified. In exchange for this proof of friendship, the Ottoman Government undertakes to facilitate the passage through the Constantinople Straits of Russian warships destined for the service and the supply of the occupation forces.

ART. 5. The population of the Ionian Isles, Ottoman subjects, having to serve as a barrier to attempts directed by the Italians against the Ottoman Empire, it is desirable that the [Ionian] Republic become strong and be in a position to guarantee its defense and respect for its integrity, stipulated in the treaty of 1800. In consequence, the Ottoman Government undertakes to revoke certain parts of the statute, previously granted to that Republic, that are not in accord with the aforesaid stipulations and to replace them with others more favorable and to devise the necessary means for the development and preservation of that Republic.

ART. 6. Since desertions in the navy and among the auxiliary ground forces tend to weaken reinforcements to be furnished, the two parties agree reciprocally never to receive or protect deserters save only in case of conversion. Thus Muslim deserters who are Russian subjects will be returned and, if there should be any Russians who convert to Islam, they shall remain in the ranks of the army or navy until the return of the said troops to Russia, in which case they will be treated in conformity with article 8 of the treaty of Jassy.

ART. 7. The two contracting parties, having agreed on the closure of the Black Sea, declare that any attempt by any power whatsoever to violate it shall be considered a hostile act against them. Consequently, they pledge to oppose with all their naval forces the entrance into that sea of every vessel of war and every ship carrying military stores.[1]

ART. 8. If France, despite the present alliance, should occupy with its troops stationed near Denmark, the Straits of Sund, only outlet of Russian commerce from the Baltic Sea and sole passage for her northern naval forces, or if a state of war should occur between her and Russia, the Ottoman Government promises to act in concert with its ally, either to cooperate with her or to furnish the contingent of troops stipulated in the treaty.

ART. 9. The details of financial aid agreed upon in Article 3 of the annexed treaty are fixed as follows: The annual sum to be paid for each infantryman will be 100 net piasters and for each cavalryman 150 net piasters.[2] The whole of the amount thus calculated will be paid quarterly in advance by the state from whom the aid is demanded, from the first month of declaration of war until the conclusion of peace. When it becomes necessary to execute the stipulations of Articles 1 and 8 of the present secret treaty, the aforementioned subsidy will be paid under the same conditions

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[1] The Russian version of article 7, as translated from Serge Goriainow, *Le Bosphore et les Dardanelles* (Paris, 1910), p. 6, reads as follows: "The two high contracting parties agree to consider the Black Sea as closed and not to permit the appearance therein of any flag of war or armed vessel of any power whatsoever, and if any should attempt to appear there in arms, the two high contracting parties undertake to regard such an attempt as a *casus foederis* and to oppose it with all their naval forces, as being the only means of assuring their mutual tranquillity; it is understood that the free passage through the canal of Constantinople will continue in effect for the vessels of war and military transports of His Imperial Majesty of All the Russias, to which in each instance the Sublime Porte will furnish every assistance and grant every facility that may be required."

[2] The French phrase "piastres effectives" might also be translated "piasters at prevailing rates."

until the situation that motivated it shall cease to exist.

ART. 10. The above secret articles shall be held entirely concealed from other powers; but, after agreement between the two parties, they will be brought to the knowledge of those who may enter into the alliance.

30. TREATY OF ALLIANCE (FINKENSTEIN): FRANCE AND PERSIA
4 May 1807

(Ratifications exchanged, Tehran, 20 December 1807)

[Translated from French text in M. de Clerq, *Recueil des traités de la France* (Paris, 1880), vol. 2, pp. 201–03]

Following the renewal of war with Russia in 1804, Fath 'Ali Shah (1797–1834) sent a mission to India to seek British aid under the Anglo-Persian alliance (Doc. 27) in the hope of reconquering Georgia, annexed by Russia in 1800. Discouraged by the failure of the mission, Fath 'Ali sent Mirza Muhammad Riza early in 1807 to treat with Napoleon at his temporary headquarters in Poland. Napoleon for his part had been trying to detach Persia from the British orbit since 1802. Once the alliance of the Sublime Porte with England and Russia had been destroyed, largely owing to the successful diplomacy of General Horace Sébastiani, the French ambassador at Istanbul, Napoleon's negotiations with the Persian envoy assumed added significance, more especially since the outcome of the Franco-Russian fighting in eastern Europe still remained uncertain in the spring of 1807. The instrument signed at Finkenstein on 4 May was intended to form part of a projected tripartite alliance of France, Persia, and the Ottoman Empire against Russia and England. The French negotiations with the Ottoman envoy, however, dragged on inconclusively. V. J. Puryear, *Napoleon and the Dardanelles,* chap. 8 (based on close study of French archives); H. Dehérain, *La Vie de Pierre Ruffin,* vol. 2, chaps. 3–4; É. Driault, *La Politique orientale de Napoléon;* H. L. Hoskins, *British Routes to India,* chap. 3; for documentation cf. P. Bertrand, *Lettres inédites de Tallyrand à Napoléon, 1800–1809,* pp. 315–454; *Correspondance de Napoléon I^er^,* vol. 15 (two preceding, documents); P. A. Jaubert, *Voyage en Arménie et en Perse fait dans les années 1805 et 1806.*

ART. 1. Peace, friendship and alliance shall be constantly maintained between H.M. the Emperor of the French, King of Italy, and H.M. the Emperor of Persia.

ART. 2. H.M. the Emperor of the French, King of Italy, guarantees to H.M. the Emperor of Persia the integrity of his present territory.

ART. 3. H.M. the Emperor of the French, King of Italy, recognizes Georgia as belonging legitimately to H.M. the Emperor of Persia.

ART. 4. He undertakes to direct every effort toward compelling Russia to withdraw from Georgia and Persian territory. This withdrawal will be the constant goal of his policies.

ART. 5. H.M. the Emperor of the French, King of Italy, will maintain at the Persian Court a Minister Plenipotentiary and Legation Secretaries.

ART. 6. H.M. the Emperor of Persia, desirous of organizing his infantry, his artillery and fortifications, according to the principles of the European system, H.M. the Emperor of the French, King of Italy, undertakes to supply as many field guns and rifles with bayonets as may be requested by H.M. the Emperor of Persia. Payment for these arms will be made in conformity with their value in Europe.

ART. 7. H.M. the Emperor of the French, King of Italy, undertakes to provide for H.M. the Emperor of Persia artillery, engineer and infantry officers in such numbers as may be considered necessary by H.M. the Emperor of Persia to strengthen his fortresses and to organize Persian artillery and infantry in accordance with principles of European military art.

ART. 8. H.M. the Emperor of Persia for his part undertakes to sever all diplomatic and commercial relations with England, to declare war at once on the latter power and

to commence hostilities without delay. Accordingly, he will recall the Persian Minister accredited to Bombay. The consuls, factors or other agents of the English Company residing in Persia and in the ports of the Persian Gulf will have to leave their places of residence immediately. H.M. the Emperor of Persia will seize all English merchandise and will forbid England communications in his territories, either by sea or by land. Every minister, ambassador or agent who might present himself on behalf of this power during the war will not be recognized.

ART. 9. In any other war in which Britain and Russia may ally themselves against Persia and France, France and Persia will ally themselves equally against Britain and Russia. They shall act against the common enemy as soon as offrcial notification is given by the Contracting Party, menaced or attacked, that a state of war exists. All diplomatic and commercial relations will be conducted in accordance with the preceding article.

ART. 10. H.M. the Emperor of Persia will use all his influence to persuade the Afghans and other peoples of Qandahar to add their armies to his in fighting England and, after obtaining passage on their territory, he will send an army against the English possessions in India.

ART. 11. If a French fleet should be dispatched to the Persian Gulf and to the ports of H.M. the Emperor of Persia, it will be granted all the facilities and help which it might need.

ART. 12. If it were the intention of H.M. the Emperor of the French to send an army by land to attack English possessions in India, H.M. the Emperor of Persia, as a good and faithful ally, will grant this army passage on his territories. In such event, a special convention will be concluded in advance by the two governments stipulating the route that must be taken by the troops, the food and transportation that would be provided and the number of auxiliary troops that H.M. the Emperor of Persia would be prepared to attach to this expedition.

ART. 13. Everything furnished to either the fleets or the troops in accordance with the preceding two articles shall be offered at prices and under conditions prevailing among the [Persian] nationals themselves and shall be paid for by the said fleets and troops.

ART. 14. The stipulations enumerated in article 12 above shall be applicable only to France. They shall, accordingly, not be extended by future treaties to either England or Russia.

ART. 15. For the reciprocal advantage of both Powers, a treaty of commerce, to be negotiated in Tehran, will be concluded.

31. NAPOLEON'S INSTRUCTIONS TO THE CHIEF OF THE FRENCH MISSION TO PERSIA
10 May 1807

[Translated from French text in *Correspondance de Napoléon Ier* (Paris, 1864), vol. 15, pp. 210–14]

The instructions to Brigadier General Antoine Gardane, head of the French mission to Persia, amply attest to the seriousness with which Napoleon viewed the Persian alliance—at the time of its signature. They also shed light on Napoleon's grand design for the conquest of India via the Ottoman Empire and Persia; and Napoleon's comments on technical assistance have a marked contemporary quality. Yet once France unexpectedly entered into a competing alliance with Russia at Tilsit on 7 July 1807, Napoleon abandoned his plans for invading India with Ottoman and Persian collaboration. But Gardane, already en route to his post by then, was not recalled. He arrived in Tehran with an elaborate diplomatic and military deputation of some seventy technicians on 4 December 1807 and managed to score a series of initial successes. The French general persuaded Fath 'Ali Shah to repudiate the 1801 treaty (Doc. 27) and sever relations with Britain; and he negotiated by January 1808 a commercial treaty (text in J. Thieury, *Documents pour servir à l'histoire des relations*

cntre la France et la Perse, pp. 69–76) which more than reaffirmed the capitulatory arrangement of a century earlier (Docs. 13, 15). With little guidance and no tangible support from his government and with no prospect of fulfilling the shah's demands, Gardane nevertheless managed for well over a year to carry out Napoleon's original instructions by persuasion alone. By early February 1809, when Gardane withdrew to Tabriz on the arrival of British diplomats in Tehran, it was merely a matter of weeks before Napoleon's mission entirely retired, rendering the alliance nugatory. A. de Gardane, *Mission du général Gardane en Perse sous le premier empire* (documents); V. J. Puryear, *Napoleon and the Dardanelles,* chaps. 8, 11, 16; É. Driault, *Politique orientale de Napoléon,* chap. 8; A. Vandal, *Napoléon et Alexandre I^er^,* vol. 1, chap. 6.

General Gardane will arrive as promptly as possible in Persia. Fifteen days after his arrival he will despatch a courier, and a month later he will send one of the officers who accompanied him.

In his sojourn at Constantinople he shall take all measures to arrange that his correspondence with the Minister of Foreign Affairs and that of the Minister with him is expedited. If it is possible to have this service performed by agents of the Porte itself, he might write once a week. All despatches of any importance, whether for the Minister of Foreign Affairs or for General Sebastiani, shall be written in code.

His initial despatches should above all be those that are essential for making known a land about which no precise information exists. The geography and topography of the country, its coasts, population, finances, the military situation in its various details —these should constitute the primary objectives of General Gardane's inquiries. They should fill his despatches and take volumes.

Persia must regard the Russians as her natural enemies: they have taken Georgia from her; they menace her finest provinces; they have not yet recognized the present dynasty, and since its accession they have constantly been at war with her. General Gardane will dwell upon all these grievances; he will support the enmity of the Persians for the Russians; he will stimulate them to renewed efforts, to more numerous levies. He shall give them, for purposes of their military operations, all the guidance that his experience might suggest, and to that end he will seek to align himself with Prince 'Abbas Mirza, who commands the army and who appears to enjoy its complete confidence. Persia must create a powerful diversion on the Russian frontier and, taking advantage of the fact that the Russians have weakened their Army of the Caucasus by sending a part of it to Europe, reenter the provinces that have been captured by [Russian] armed forces or by intrigue. Georgia, whose last prince was compelled to cede the territory [to Russia], is in a poor state of defense; its inhabitants appear to feel nostalgic for their erstwhile rulers. The chain of mountains that guards the entrance into Persia and the Ottoman provinces is moreover situated to the north of Georgia. It is important that Russia should not remain in control of all its passes.

General Gardane shall employ every effort to ensure that Persia and the Ottoman Porte act in concert, insofar as it may prove possible, in their operations between the Black Sea and the Caspian Sea. The interest of the two empires are the same: all countries south of Russia are equally menaced, because she prefers a more fertile land and a better climate to her deserts and icy terrain. But Persia has yet another interest which is her very own: to halt the progress of England in India.

Persia is now crushed between Russia and English possessions. The more these possessions are extended towards the Persian frontiers, the more she has to fear eventual aggrandizement. She runs the risk of becoming an English province like the north of India, if she does not seek immediately to prevent that danger, to stand in the way of England, and to facilitate all French operations against her.

France regards Persia from two points of view: as the natural enemy of Russia and as a means of transit for an expedition into India.

Because of this dual aim a large number of engineer and artillery officers have been at-

tached to General Gardane's Mission. They should be employed to render Persian military forces more formidable to Russia and to institute inquiries, reconnaissance operations and reports which might conduce to discerning the obstacles that an expedition would encounter in passing through Persia, a route that ought to be followed into India, whether the point of departure is Aleppo or one of the ports of the Persian Gulf. It is presumed that in the first case the French expedition would debark at Iskenderun with the Porte's consent; that in the second case it would round the Cape of Good Hope and proceed to debark at the entrance to the Persian Gulf. It is necessary to know in either case what the route to India might be from the point of debarkation; what its difficulties might be; whether the expedition might find sufficient means of transport and of what kind; whether artillery might train on the roads; and what means there might be for avoiding or overcoming obstacles; whether [the expedition] might find abundant provisions and, above all, water; and, in the second case, which might serve as appropriate ports of debarkation, that is, those which triple-decked vessels could enter, ships of 80 guns and ships of 74 guns; those in which shore batteries could be established to protect the vessels from attack by an enemy squadron; lastly those in which the squadron might find water and provisions for remuneration.

Finally, it will be equally necessary to know whether a sufficient number of horses might be found for remounts for the cavalry and artillery.

If General Gardane were alone, he could not answer any of these questions, since we find even in Europe, in the heart of Germany itself, that informaton given by the indigenous population is always imprecise and incomprehensible. But General Gardane will have at his command army and navy engineers and artillery officers, who will go over the routes, examine sites, visit the ports of the Persian empire not only on the Persian Gulf but also on the Caspian Sea, prepare maps and furnish him after a four-month stay with the material for detailed and trustworthy reports on the various purposes of these surveys.

Care must always be taken to send messages in duplicate, so that such valuable information should not be lost in the event of some mishap to a courier.

These officers should render themselves equally useful in instructing the Persians in European military science and in aiding them to construct new works for the defense of their positions.

The two principal objectives which we propose thus will be fulfilled, since the Persians will be rendered more formidable to the Russians, and the means of transit and all other information about the country will be well known to us. So much for the military sector.

As for the diplomatic sector, General Gardane is authorized to conclude agreements for the future despatch by France of rifles with bayonets, cannons and a number of officers and non-commissioned officers, sufficient to form the cadre for a corps of 12,000 men to be raised by Persia. The price of the arms shall be fixed by the artillery officers, according to the value in Europe. Payment for them will be stipulated. The intention of His Majesty in requesting payment for these arms is not to avoid the expenditure of 500,000 to 600,000 francs, but to assure himself that the Persian government will make more use of them if it pays, than it would had they been donated. Moreover, if [the arms] are purchased, it is certain that [the Persian Government] has the will to make use of them. These arms, the officers and the non-commissioned officers will be transported by one of His Majesty's squadrons.

There shall be stipulated in the agreement the place of debarkation and means of payment for the arms which might be made for the most part by provisions such as biscuits, rice, cattle, etc., for the squadrons which, after having debarked the men and material it has brought, shall cruise these waters. The quantity of arms which [General Gardane] may undertake to furnish may run as high as 10,000 rifles and some thirty field pieces. The remuneration of officers and non-commissioned officers, those

who accompany General Gardane as well as those who will be sent, should also be fixed by these agreements. His Majesty will accord them the payment they enjoy in France; but it is desirable that they receive in Persia extraordinary sums which are always necessary for Europeans who go abroad.

If the war in Russia continues, if Persia desires it and if General Gardane—once he knows the country well—thinks it useful, the despatch of four or five battalions and two or three artillery companies to form a reserve for the Persian army may be requested by General Gardane, and the Emperor will give his approval.

The minister understands the state of affairs well enough to know that it is only by means of great secrecy and an exact notion of the ports of debarkation that a squadron can be sent to provide help for Persia.

If an expedition of 20,000 French soldiers [should be sent] to India, it would be convenient to know the number of auxiliaries that Persia could add to that army and above all, as has been said above, everything relating to the ports of debarkation, the routes to take, the provisions and water necessary for the expedition. It is also necessary to know which would be the favorable season for transit by land.

General Gardane's Mission does not end there; he is to communicate with the Mahrattas and learn, as positively as possible, what support the expedition might find in India. This peninsula has so changed in the last 10 years, that matters concerning it are hardly known at all in Europe. Nothing will be more useful than all the information that can be gathered, all the contacts that can be made.

Finally, General Gardane should not lose sight of the fact that our important object is to establish a triple alliance between France, the Porte and Persia, to open up a road to India, and to secure allies for ourselves against Russia. If the execution of the last aim could be taken as far as the borders of Tatary, it would be a matter worthy of attention; since Russia meddles in matters which concern our frontiers, we shall sooner or later derive the benefit of what we are prepared to do to stir dissension on her frontiers.

General Gardane shall examine the opportunities that Persia can offer to our commerce, which products of our manufacture will have success there, and what we might import in exchange. He is therefore authorized to negotiate a commercial treaty on the basis of those of 1708 and 1715. He shall correspond with Mauritius and shall encourage its trade with such care that Mauritius will become the principal waystation in the commerce of Metropolitan France with the Persian Gulf.

32. THE (DARDANELLES) TREATY OF PEACE, COMMERCE AND SECRET ALLIANCE: GREAT BRITAIN AND THE OTTOMAN EMPIRE
5 January 1809

(Ratifications exchanged, Istanbul, 27 July 1809)

[Great Britain, Public Record Office, F.O. 93/110/1B and 93/110/2; the translation of the secret articles from the French text was prepared by the Foreign Office in September 1833]

French intrigue at Istanbul drew the Ottoman Empire into war against Russia (1806–12) and England (1807–09). Napoleon's alliance with Tsar Alexander I at Tilsit upset the Anglo-Russian entente and paved the way for an Anglo-Ottoman rapprochement. The following treaty reaffirmed in full Britain's capitulatory rights and granted limited reciprocal privileges (article 8) to the Sublime Porte. The United Kingdom became the first European power to acknowledge (article 11) the right of the Sublime Porte to close the straits to foreign warships, on condition that "this ancient regulation of the Ottoman Empire is in future to be observed towards every Power in time of peace." General European recognition of the principle had to await the conclusion of the treaty of London of 13 July 1841 (Doc. 52). The renewed Anglo-Ottoman defensive alliance against France was far more restricted in scope

than that of a decade earlier (Doc. 25) and was essentially unilateral, since the Sublime Porte did not accept any obligations comparable to those binding the United Kingdom. The 1809 treaty was framed in French and Turkish. In forwarding the British ratification, Foreign Minister George Canning called the attention of Robert Adair, the British negotiator, to the fact that "A Treaty is usually drawn up either in a language which is not that of either Contracting Party, but which is adopted by mutual consent, or it is drawn up at the same time in the languages of both Powers" (25 April 1809, F.O. 78/63). Adair explained in self-defense that the Ottoman dragoman was "absolutely ignorant of English" and knew so little French that, "between his ignorance, his fears, and his suspicions, I could not obtain the alteration of a word, sometimes not even the transposition of a word, after the Article itself, to the substance of which I was obliged chiefly to attend, during discussions not always the most temperate, had once been admitted" (Sir R. Adair, *Negotiations for the Peace of the Dardanelles,* vol. 1, pp. 229–30). The United Kingdom ratified the additional and secret article concerning the £300,000 grant-in-aid, but the ratification was not to be presented for exchange except "in the event of a War commenced against the Porte by France, and in that event alone" (Canning to Adair, 25 April 1809, F.O. 78/63). The exchange of ratifications of this article, in fact, never did take place. The full English text of the 1809 treaty with all its secret provisions, as far as can be ascertained, has not appeared in public print before. Adair, *op. cit.,* 2 vols. (official and private letters, 1808–1811); V. J. Puryear, *Napoleon and the Dardanelles,* chap. 16; H. Temperley, *England and the Near East,* pp. 46–49, 410; P. H. Mischef, *La Mer Noire,* chap. 3; Sir J. Headlam-Morley, *Studies in Diplomatic History,* chap. 8; A. C. Wood, *History of Levant Company,* chap. 10; M. Khadduri and H. J. Liebesny, eds., *Law in the Middle East,* vol. 1, chap. 13 (by Liebesny).

I. From the moment of signing the present Treaty, every act of hostility between England and Turkey shall cease; and in furtherance of this happy peace, the prisoners on both sides shall be exchanged without distinction, in thirty-one days from the signature of this Treaty, or sooner, if possible.

II. Should any fortresses belonging to the Sublime Porte be in the possession of Great Britain, they shall be restored to the Sublime Porte, and given up, with all the cannons, warlike stores, and other effects, in the condition in which they were found at the time of their being occupied by England, and this restitution shall be made in the space of thirty-one days from the signature of the present Treaty.

III. Should there be any effects and property belonging to English merchants under sequestration, within the jurisdiction of the Sublime Porte, the same shall be entirely given up, and restored to the proprietors; and in like manner, should there be any effects, property, and vessels, belonging to merchants, subjects of the Sublime Porte, under sequestration at Malta, or in any other islands and possessions of His Britannic Majesty, they also shall be entirely given up and restored to their proprietors.

IV. The Treaty of Capitulations agreed upon in the Turkish year 1086, (A.D. 1675) in the middle of the month Gemmaziel Akir, as also the Act relating to the Commerce of the Black Sea, and the other privileges (*Imtiazat*) equally established by Acts at subsequent periods, shall continue to be observed and maintained as if they had suffered no interruption.

V. In return for the indulgence and good treatment afforded by the Sublime Porte to English merchants, with respect to their goods and property, as well as in all matters tending to facilitate their commerce, England shall reciprocally extend every indulgence and friendly treatment to the flag, subjects, and merchants of the Sublime Porte, which may hereafter frequent the Dominions of His Britannic Majesty for the purposes of commerce.

VI. The last custom-house tarif established at Constantinople, at the ancient rate of 3 per cent. and particularly the Article relating to the interior commerce, shall continue to be observed, as they are at present regulated, and to which England promises to conform.

VII. Ambassadors from His Majesty the King of Great Britain shall enjoy all the honours enjoyed by Ambassadors to the Sublime Porte from other nations; and

Ambassadors from the Sublime Porte at the Court of London shall reciprocally enjoy all the honours granted to the Ambassadors from Great Britain.

VIII. Consuls (*Shahbenders*) may be appointed at Malta, and in the Dominions of His Britannic Majesty where it shall be necessary, to manage and superintend the affairs and interests of merchants of the Sublime Porte, and similar privileges and immunities to those granted to English Consuls resident in the Ottoman Dominions, shall be duly afforded to the *"Shahbenders"* of the Sublime Porte.

IX. English Ambassadors and Consuls may supply themselves, according to custom, with such Dragomen as they shall stand in need of: but as it has already been mutually agreed upon, that the Sublime Porte shall not grant the *"Barat"* of Dragoman in favour of individuals who do not execute that duty in the place of their destination, it is settled, in conformity with this principle, that in future, the *"Barat"* shall not be granted to any person of the class of tradesmen or bankers, nor to any shopkeeper or manufacturer in the public markets, or to one who is engaged in any matters of this description; nor shall English Consuls be named from among the subjects of the Sublime Porte.

X. English patents of protection shall not be granted to dependants, or merchants who are subjects of the Sublime Porte, nor shall any passport be delivered to such persons, on the part of Ambassadors or Consuls, without permission previously obtained from the Sublime Porte.

XI. As ships of war have at all times been prohibited from entering the canal of Constantinople, viz. in the straits of the Dardanelles and of the Black Sea, and as this ancient regulation of the Ottoman Empire is in future to be observed by every Power in time of peace, the Court of Great Britain promises on its part to conform to this principle. . . .

SEPARATE AND SECRET ARTICLES

The Secret Articles which the Court of England engaged to perform on her part in proof and fulfilment of her friendship and sincerity towards the Sublime Porte, and which were included in the conference that took place on the day of the signing of the Treaty of Peace [just] concluded between the Exalted Ottoman Court and the Court of England, are as follows—

ART. 1. Should France, unjustly, declare war against the Sublime Porte, or should she manifest any threats towards her, in consequence of the Peace that has been now so happily concluded between the Exalted Ottoman Court and the Court of Great Britain, His Majesty, the Honored King of England, engages to exert all his attention and inclination in affording the Sublime Porte assistance, and securing [protecting] the islands and harbours belonging to her in the White [Mediterranean] Sea, against the assaults of enemy, by sending into the [said] Sea a sufficient fleet for that purpose, the details and arrangements of which assistance shall be discussed at the High Court [of Constantinople].

ART. 2. Likewise, should France manifest any hostilities, or spread out menaces, against the Sublime Porte, His Majesty, the aforesaid King of England, engages to assist the Exalted Ottoman Court by supplying her, at the sea ports which she may point out, with guns, powder, and all necessary warlike stores, for the fortification or defence of the boundries of her Possessions in Bosnia and Dalmatzia [sic].

ART. 3. The discussion of the agreements or covenants that took place between the Commanders of England and the authorized persons of the Sublime Porte, relative to the late entrance into, and evacuation of, Alexandria of Egypt, by Great Britain, shall be brought into the Happy Court [of Constantinople], and the claims of both parties looked into and arranged, according to justice and equity, and shall be finally settled.

ART. 4. Should the Court of England conclude peace with Russia before the Ottoman Porte, His Majesty, the aforesaid King of England, engages to exert and use his good efforts to obtain, as far as circumstances may permit, an advantageous and honorable peace between the Exalted Court

and the Court of Russia; honorable and beneficial to the Sublime Porte, and with independence to, and complete integrity of the Ottoman Dominions.

Conclusion—These Secret Articles shall be kept concealed from all the Courts, nor their secrecy shall ever be divulged [sic]. . . .

ADDITIONAL AND SECRET ARTICLE. The cause of writing these lines is as follows—

The ancient friendship and sincerity [that existed] between the Sublime Ottoman Porte and the Court of England, having been happily restored, His Majesty the Honored King of England, in confirmation of his friendship, will readily undertake to give the Exalted Ottoman Court, by way of assistance, Three Hundred Thousand Pounds Sterling, or Ten Thousand Two Hundred Purses of Turkish Money, in two instalments, in the course of about six months from the day of the exchange of the ratifications of the treaties of peace.

33. TREATY OF PEACE (GULISTAN): RUSSIA AND PERSIA
30 September/12 October 1813

(Ratifications exchanged, Tiflis, 3/15 September 1814)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, app. No. 5, pp. xv–xviii]

The treaty of Gulistan, negotiated through the good offices of the United Kingdom, ended a nine-year war with Persia and assured Russian possession of Georgia—the original cause of the war—and other districts then owing suzerainty to the shah. But the ambiguous terms of the territorial settlement kept alive the tensions between Persia and its northern neighbor for more than a dozen years, culminating in 1826 in renewed hostilities. The 1813 instrument (article 5) also gave Russian war vessels the exclusive right to navigate in the Caspian Sea. O. von Schlechta-Wssehrd, "Die Kämpfe zwischen Persien und Russland in Transkaukasien seit 1804–1813," *Sitzungsberichte der Kaiserlichen Akademie der Wissenschaften, Philosophische-Historische Classe* (Vienna), 46 (1864), 4–67; A. Krausse, *Russia in Asia,* chap. 5; J. F. Baddeley, *The Russian Conquest of the Caucasus,* chaps. 4–5; W. E. D. Allen, *A History of the Georgian People,* chap. 18; Sir P. Sykes, *History of Persia,* vol. 2, chap. 76; Sir H. Rawlinson, *England and Russia in the East,* chap. 1; R. G. Watson, *A History of Persia,* chaps. 6–8.

ART. 1. After the conclusion of this Treaty the hostilities which have hitherto existed between the States of Russia and Persia shall cease, and peace shall be established between the respective sovereigns and their allies for ever.

ART. 2. The *status quo ad presentem* having been agreed on as the basis of treating in virtue of this arrangement, the several districts hitherto possessed by the respective States shall remain under their subjection, and the frontier is determined in the manner under written.

The line of demarcation is to commence from the plain of Aduna Bazar, running direct towards the plain of Moghan to the ford of the Anas at Yuln Bulook, up the Anas to the Junction of the Capennuk Chace at the back of the hill of Mekri; from thence the boundary of Karabagh and Nukshivan is from above the mountains of Alighuz to Dualighuz, and thence the boundary of Karabagh, Nukshivan, Erivand, and also part of Georgia, and of Kuzah and Shums-ud-deen Loo is separated by Eishuk Meidaun; from Eishuk Meidaun the line is the chain of mountains on the right and the river of Humya Chummun, and from the tops of the mountains of Alighuz it runs along the village of Shoorgil and between those of the village of Mystery until it reaches the river of Arpachahi; and as the district of Talish during the hostilities has been partially subjected by the contending parties, for the purpose of strengthening mutual confidence after the conclusion of the Treaty, Commissioners shall be appointed respectively, who, in concurrence with each other and with the cognizance of the Governors concerned, shall determine what mountains, rivers,

lakes, villages, and fields shall mark the line of frontier, having first ascertained the respective possessions at the time of making the Treaty, and holding in view the *status quo ad presentem* as the basis on which the boundaries are to be determined.

If the possessions of either of the High Contracting Parties shall have been infringed on by the above-mentioned boundaries, the Commissioners shall rectify it on the basis of the *status quo ad presentem*.

ART. 3. His Majesty the King of Persia, in demonstration of his amicable sentiments towards the Emperor of Russia, acknowledges in his own name and that of his heirs the sovereignty of the Emperor of Russia over the provinces of Karabagh and Georgia, now called Elizabeth Paul, the districts of Shekie, Shiriwan, Kobek, Derbend, Bakoobeh, and such part of Talish as is now possessed by Russia, the whole of Degesten, Georgia, the tract of Shoorgil, Achook, Bash, Gooreea, Mingrelia, Abtichar, the whole country between the boundary at present established and the line of Caucasus, and all the territory between the Caucasus and the Caspian Sea.

ART. 4. His Majesty the Emperor of Russia, actuated by similar feelings towards His Majesty of Persia, and in the spirit of good neighbourhood wishing the Sovereign of Persia always to be firmly established on the throne, engages for himself and heirs to recognise the Prince who shall be nominated heir-apparent, and to afford him assistance in case he should require it to suppress any opposing party. The power of Persia will thus be increased by the aid of Russia. The Emperor engages for himself and heirs not to interfere in the dissensions of the Prince, unless the aid of the Russian arms is required by the King of the time.

ART. 5. The Russian merchantmen on the Caspian Sea shall, according to their former practice, have permission to enter the Persian harbours, and the Persians shall render to the Russian Marine all friendly aid in case of casualties by storm or shipwreck.

Persian merchantmen shall enjoy the same privilege of entering Russian harbours, and the like aid shall be afforded to the Persian Marine by the Russians in case of casualties by storm or shipwreck.

The Russian flag shall fly in the Russian ships-of-war which are permitted to sail in the Caspian as formerly; no other nation whatever shall be allowed ships-of-war on the Caspian.

ART. 6. The whole of the prisoners taken either in battle or otherwise, whether Christians or of any other religion, shall be mutually exchanged at the expiration of three months after the date of the signature of the Treaty. The High Contracting Parties shall give a sum to each of the prisoners for his expenses, and send them to Kara Ecclesia; those charged with the superintendence of the exchange on the frontiers shall give notice to each other of the prisoners being sent to the appointed place, when they shall be exchanged; and any person who either voluntarily deserted or fled after the commission of a crime shall have permission to return to his country, [or] shall remain without molestation. All deserters who return to their country shall be forgiven by both contracting parties.

ART. 7. In addition to the above articles, the two contracting sovereigns have been pleased to resolve to exchange Ambassadors, who at a proper period will be sent to their respective capitals, where they will meet with that honour due to their rank, and due attention shall be paid to the requests they may be charged to make. Mercantile agents shall be appointed to reside in the different cities for the purpose of assisting the merchants in carrying on their trade; they shall only retain ten followers; they shall be in no ways molested; they shall be treated with respect and attention, and parties of either nation injured in the way of trade may by their interference have their grievances redressed.

ART. 8. With regard to the intercourse of caravans, the merchants of either country must be provided with a passport that they may travel either by sea or land without fear, and individuals may reside in either country for the purpose of trade so long as it suits their convenience, and they shall meet with no opposition when they

wish to return home. In regard to merchandise and goods, brought from Russia to Persia, or sent from Persia to Russia, the proprietors may at their own discretion either sell or exchange them for other property. Merchants having occasion to complain of failure of payment or other grievances will state the nature of their cases to the mercantile agents; or, if there are none resident in the place, they will apply to the Governor, who will examine into the merits of their representations, and will be careful that no injustice be offered this class of men. Russian merchants having entered Persia with merchandise will have permission to convey it to any country in alliance with that State, and the Persian Government will readily furnish them a passport to enable them to do so. In like manner, Persian merchants who visit Russia will have permission to proceed to any country in alliance with Russia. In case of a Russian merchant dying in Persia, and his goods remaining in Persia, as they are the property of a subject of a friendly State, they shall be taken charge of by the proper constituted authorities, and shall be delivered over, on demand, to the lawful heirs of the deceased, who shall have permission to dispose of them. As this is the custom among all civilised nations, there can be no objection to this arrangement.

ART. 9. The duties on Russian merchandise brought to Persian ports shall be in the proportion of five hundred dinars (or 5 per cent.) on property of the value of one toman, which having been paid at one city the goods may be conveyed to any part of Persia without any further demand of duty being made on any pretence whatever. The like percentage, and nothing more, will be paid on exports. The import and export duties from Persian merchants in Russia will be levied at the same rate.

ART. 10. On the arrival of goods at the seaport towns, or such as come by land-carriage to the frontier towns of the two States, merchants shall be allowed to sell or exchange their goods without the further permission of the Custom House Officers because it is the duty of Custom House Officers to prevent all sorts of delay, in the prosecution of trade, and to receive the King's customs from the buyer or seller as may be agreed between them.

ART. 11. After the signature of this Treaty the respective plenipotentiaries shall immediately announce the peace to the different frontier posts and order the suspension of all further hostilities; and two copies of this Treaty being taken with Persian translations, they shall be signed and sealed by the respective plenipotentiaries, and be exchanged.

34. (DEFINITIVE) TREATY OF DEFENSIVE ALLIANCE: BRITAIN AND PERSIA
25 November 1814

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, pp. 60–63]

The treaty of 1814, which established the pattern of Anglo-Persian relations under the Qajar dynasty (1796–1925), consumed more than five years in its formulation. The East India Company and the British government in London independently matured plans for the arrangement, the first primarily concerned with defense against Russia and the second with defense against France. Indeed, each sent a separate delegation to Tehran in 1808. But the Foreign Office insisted on assuming charge of English affairs in Persia at the time, and the London representative signed in March 1809 a preliminary agreement (text in Aitchison, *op. cit.*, (5th ed.) vol. 13, pp. 52–54), which was superseded three years later by a second (*ibid.*, pp. 55–59) and finally in 1814 by the following instrument. Under the alliance the United Kingdom, through the government of British India, furnished Persia between 1810–15 with military training missions. In exchange for a British grant of 200,000 tomans (about £150,000) Fath 'Ali Shah in 1828 annuled by decree (*ibid.*, p. 64) articles 3 and 4 of the 1814 agreement, providing for financial subsidies to Persia. J. W. Kaye, *Life and Correspondence of Malcolm,* vol. 1, chap. 15, vol. 2, chap. 1; Sir H. J. Brydges, *Ac-*

counts of the Transactions of His Majesty's Mission to the Court of Persia in the Years 1807–1811, 2 vols.; H. L. Hoskins, *British Routes to India,* chap. 3; Sir P. Sykes, *History of Persia,* vol. 2, chap. 75; Sir H. Rawlinson, *England and Russia in the East,* chap. 1.

ART. 1. The Persian Government judge it incumbent on them, after the conclusion of the definitive Treaty, to declare all alliances contracted with European nations in a state of hostility with Great Britain null and void, and hold themselves bound not to allow any European army to enter the Persian territory, not to proceed towards India, nor to any of the ports of that country, and also engage not to allow any individuals of such European nations entertaining a design of invading India, or being at enmity with Great Britain whatever, to enter Persia. Should any of the European powers wish to invade India by the road of Kharizen, Taturistan, Bokhara, Samarkand, or other routes, His Persian Majesty engages to induce the kings and governors of those countries to oppose such invasion, as much as is in his power, either by the fear of his arms or by conciliatory measures.

ART. 2. It is agreed that these Articles formed with the hand of truth and sincerity shall not be changed or altered, but there shall arise from them a daily increase of friendship which shall last for ever between the two most serene kings, their heirs, successors, their subjects, and their respective kingdoms, dominions, provinces, and countries; and His Britannic Majesty further engages not to interfere in any dispute which may hereafter arise betwen the Princes, Noblemen, and great Chiefs of Persia, and if one of the contending parties should even offer a province of Persia with a view of obtaining assistance, the English Government shall not agree to such a proposal, nor by adopting it possess themselves of such part of Persia.

ART. 3. The purpose of this Treaty is strictly defensive, and the object is that from their mutual assistance both States should derive stability and strength, and this Treaty has only been concluded for the purpose of repelling the aggression of enemies; and the purport of the word aggression in this Treaty is an attack upon the territories of another State. The limits of the territories of the two States of Russia and Persia shall be determined according to the admission of Great Britain, Persia, and Russia.

ART. 4. It having been agreed by an Article in the preliminary Treaty concluded between the high contracting parties that in case of any European nation invading Persia, should the Persian Government require the assistance of the English, the Governor General of India, on the part of Great Britain, shall comply with the wish of the Persian Government by sending from India the force required, with officers, ammunition, and warlike stores, or, in lieu thereof, the English Government shall pay an annual subsidy, the amount of which shall be regulated in a definitive Treaty to be concluded between the high contracting parties; it is hereby provided that the amount of the said subsidy shall be two hundred thousand (200,000) tomans annually. It is further agreed that the said subsidy shall not be paid in case the war with such European nation shall have been produced by an aggression on the part of Persia; and since the payment of the subsidy will be made solely for the purpose of raising and disciplining an army, it is agreed that the English minister shall be satisfied of its being duly applied to the purpose for which it is assigned.

ART. 5. Should the Persian Government wish to introduce European discipline among their troops, they are at liberty to employ European officers for that purpose, provided the said officers do not belong to nations in a state of war or enmity with Great Britain.

ART. 6. Should any European power be engaged in war with Persia when at peace with England, His Britannic Majesty engages to use his best endeavours to bring Persia and such European power to a friendly understanding. If, however, His Majesty's cordial interference should fail of success, England shall still, if required, in conformity with the stipulations in the preceding Articles, send a force from India,

or in lieu thereof, pay an annual subsidy of two hundred thousand tomans for the support of a Persian army so long as a war in the supposed case shall continue, and until Persia shall make peace with such nation.

ART. 7. Since it is the custom of Persia to pay the troops six months in advance, the English minister at that Court shall do all in his power to pay the subsidy in as early instalments as may be convenient.

ART. 8. Should the Afghans be at war with the British nation, His Persian Majesty engages to send an army against them in such force and in such manner as may be concerted with the English Government. The expense of such an army shall be defrayed by the British Government in such manner as may be agreed upon at the period of its being required.

ART. 9. If war should be declared between the Afghans and Persians, the English Government shall not interfere with either party unless their mediation to effect a peace shall be solicited by both parties.

ART. 10. Should any Persian subject of distinction showing signs of hostility and rebellion take refuge in the British dominions, the English Government shall, on intimation from the Persian Government, turn him out of their country, or, if he refuse to leave it, shall seize and send him to Persia.

Previously to the arrival of such fugitive in the English territory, should the Governor of the district to which he may direct his flight receive intelligence of the wishes of the Persian Government respecting him, he shall refuse him admission. After such prohibition, should such person persist in his resolution, the said Governor shall cause him to be seized and sent to Persia, it being understood that the aforesaid obligations are reciprocal between the contracting parties.

ART. 11. Should His Persian Majesty require assistance from the English Government in the Persian Gulf, they shall, if convenient and practicable, assist him with ships of war and troops. The expenses of such expedition shall be accounted for and defrayed by the Persian Government, and the above ships shall anchor in such ports as shall be pointed out by the Persian Government, and not at other harbours without permission, except from absolute necessity.

35. GENERAL TREATY FOR SUPPRESSING PIRACY AND SLAVE TRAFFIC: GREAT BRITAIN AND THE ARAB TRIBES IN THE PERSIAN GULF

8 January 1820

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, pp. 245–47]

Piracy increasingly flourished in the Persian Gulf, after the destruction of Portuguese primacy in 1622 and the failure of Persia to establish enduring control over the inland sea. This had contributed to the demise of the Safavi dynasty in 1722, and the disciplinary effects of Nadir Shah's reign (1736–47) did not long outlast his death. The consolidation of British supremacy in India toward the end of the eighteenth century roughly coincided with the appearance of the short-lived Wahhabi empire in the Arabian Peninsula. The Wahhabis brought under their sway the Qawasim (pronounced Jawasim) tribesmen along the 'Umani coast, the center for the organization of piracy in the Gulf. At first they preyed only on local trading vessels. But during the Napoleonic wars the Arab pirates, emboldened by their Wahhabi associations, began to attack British ships. The East India Company accordingly ordered the Bombay Marine in 1806, 1809, and 1819 to take punitive action. After the last expedition, conducted in cooperation with the Imam of Masqat, the tribal shaykhs of the 'Umani coast and the shaykh of Bahrayn undertook to abide by the conditions laid down in the present instrument. The 1820 agreement marked the formal inception of responsibility by the United Kingdom for security in the Persian Gulf. Sir A. T. Wilson, *Persian Gulf*, chap. 13; F. Adamiyat, *Bahrein Islands*, chap. 2; C. R.

Low, *History of the Indian Navy,* vol. 1, chap. 10; H. J. Liebesny, "International Relations of Arabia, the Dependent Areas," *Middle East Journal,* 1 (1947), 148–68; G. N. Curzon, *Persia,* vol. 2, pp. 446–52; J. S. Buckingham, *Travels in Assyria, Media, and Persia,* (1829 ed.), chaps. 23–25; R. Mignan, *A Winter Journey through Russia,* vol. 2, chaps. 8–10.

ART. 1. There shall be a cessation of plunder and piracy by land and sea on the part of the Arabs, who are parties to this contract, for ever.

ART. 2. If any individual of the people of the Arabs contracting shall attack any that pass by land or sea of any nation whatsoever, in the way of plunder and piracy and not of acknowledged war, he shall be accounted an enemy of all mankind and shall be held to have forfeited both life and goods. An acknowledged war is that which is proclaimed, avowed, and ordered by government against government; and the killing of men and taking of goods without proclamation, avowal, and the order of a government, is plunder and piracy.

ART. 3. The friendly (literally the pacificated) Arabs shall carry by land and sea a red flag, with or without letters in it, at their option, and this shall be in a border of white, the breadth of the white in the border being equal to the breadth of the red, as represented in the margin (the whole forming the flag known in the British Navy by the title of white pierced red), this shall be the flag of the friendly Arabs, and they shall use it and no other.

ART. 4. The pacificated tribes shall all of them continue in their former relations, with the exception that they shall be at peace with the British Government, and shall not fight with each other, and the flag shall be a symbol of this only and of nothing further.

ART. 5. The vessels of the friendly Arabs shall all of them have in their possession a paper (Register) signed with the signature of their Chief, in which shall be the name of the vessel, its length, its breadth, and how many Karahs it holds. And they shall also have in their possession another writing (Port Clearance) signed with the signature of their Chief, in which shall be the name of the owner, the name of the Nacodah, the number of men, the number of arms, from whence sailed, at what time, and to what port bound. And if a British or other vessel meet them, they shall produce the Register and the clearance.

ART. 6. The friendly Arabs, if they choose, shall send an envoy to the British Residency in the Persian Gulf with the necessary accompaniments, and he shall remain there for the transaction of their business with the Residency; and the British Government, if it chooses, shall send an envoy also to them in like manner; and the envoy shall add his signature to the signature of the Chief in the paper (Register) of their vessels, which contains the length of the vessel, its breadth, and tonnage; the signature of the envoy to be renewed every year. Also all such envoy shall be at the expense of their own party.

ART. 7. If any tribe, or others, shall not desist from plunder and piracy, the friendly Arabs shall act against them according to their ability and circumstances, and an arrangement for this purpose shall take place between the friendly Arabs and the British at the time when such plunder and piracy shall occur.

ART. 8. The putting men to death after they have given up their arms is an act of piracy and not of acknowledged war; and if any tribe shall put to death any persons, either Muhammadans or others, after they have given up their arms, such tribe shall be held to have broken the peace; and the friendly Arabs shall act against them in conjunction with the British, and, God willing, the war against them shall not cease until the surrender of those who performed the act and of those who ordered it.

ART. 9. The carrying off of slaves, men, women, or children from the coasts of Africa or elsewhere, and the transporting them in vessels, is plunder and piracy, and the friendly Arabs shall do nothing of this nature.

ART. 10. The vessels of the friendly Arabs, bearing their flag above described,

shall enter into all the British ports and into the ports of the allies of the British so far as they shall be able to effect it; and they shall buy and sell therein, and if any shall attack them the British Government shall take notice of it.

ART. 11. These conditions aforesaid shall be common to all tribes and persons, who shall hereafter adhere thereto in the same manner as to those who adhere to them at the time present.

36. TREATY OF PEACE (ERZURUM): THE OTTOMAN EMPIRE AND PERSIA

28 July 1823

(Confirmed, Erzurum, 31 May 1847, article 9, Perso-Ottoman boundary agreement)

[Sir Edward Hertslet, *Treaties &c. concluded between Great Britain and Persia and between Persia and other Foreign Powers, Wholly or Partially in Force on the 1st April, 1891* (London, 1891), pp. 163–68]

Shi'i Persia and the Sunni Ottoman Empire engaged in intermittent wars from the early sixteenth to the early nineteenth centuries. The latest conflict of 1821–23 resulted from Russian intrigue at Tehran. The treaty of peace at Erzurum reaffirmed the treaty of Kurdan of 4 September 1746 (Doc. 19) and involved no change in boundaries, which however remained obscure and gave rise to recurrent disputes. A mixed boundary commission (1843–47), which for the first time included British and Russian members as well as those of the parties directly concerned, produced a boundary agreement (French text in Hertslet, *op. cit.*, pp. 169–72), also signed at Erzurum on 31 May 1847. Since precision was still lacking, adjustment of the conflicting claims was assigned to yet another commission on which sat British and Russian mediators. On the basis of the new body's detailed survey (1857–65) the two Muslim states concluded a temporary boundary agreement (French and English texts, *ibid.*, pp. 176–78). But the parties did not formally accept the final demarcation until the end of October 1914. Sir P. Sykes, *History of Persia,* vol. 2, chap. 79; G. N. Curzon, *Persia,* vol. 1, pp. 568–70, vol. 2, pp. 335–36, 339–40, 587; R. Achoube-Amini, *Conflit de frontière irako-iranien,* chap. 3.

Basis.—The Stipulations of the Treaty concluded in the year of the Hegira 1159 [4 September 1746] respecting the ancient Boundaries of the Two Empires, and the former Agreements relating to Pilgrims, Merchants, the delivery of Refugees, the free egress of all Prisoners, and the residence of a Minister at the respective Courts, are considered valid, and are to be strictly observed. The slightest deviation from the engagements therein detailed shall not be permitted, and the amity between the Two powerful States shall be for ever preserved.

Stipulations.—Henceforward the Sword of Enmity shall be sheathed, and every circumstance shall be avoided, which may produce coldness or disgust, and may be contrary to friendship and perfect union. The Countries within the boundaries of the Ottoman Empire, which, during the war, or previously to the commencement of hostilities, have been taken possession of by Persia, including Fortresses, Districts, Lands, Towns, and Villages, to be restored in their present state, and, at the expiration of sixty days from the signature of this Treaty, to be delivered over to the Ottoman Government.

And in token of respect for this happy peace, the prisoners captured on both sides, without concealment or prevention, shall have free permission to depart. Provisions and other necessaries requisite for the journey shall be afforded them, and they shall be sent to the Frontiers of the two Countries.

ART. I. The Two High Powers do not admit each other's interference in the internal affairs of their respective States. From this period, on the side of Bagdad

and Koordistan no interference is to take place, nor with any Districts of the Divisions of Koordistan within the Boundaries, is the Persian Government to intermeddle, or authorise any acts of molestation, or to assume any authority over the present or former Possessors of those Countries.

And on that frontier, should the Tribes of either side pass the boundaries for a summer or winter residence, the Agents of His Royal Highness the Heir Apparent, with the Pasha of Bagdad, shall arrange the tribute customary to be paid, the rent of the pasture lands, and other claims, in order that they may not cause any misunderstanding between the two Governments.

ART. II. Persian subjects proceeding to the Holy Cities of Mecca and Medina, as to other Mahomedan towns, such as Pilgrims, and persons travelling through the Ottoman Territories, are to be entirely exempted from all contributions; and other impositions at variance with lawful usage are not to be demanded from them.

In like manner the Pilgrims to Kerbelah and Nujuff, as long as they have no merchandize, neither tribute nor tax of any kind is to be extracted from them; but in case they have in their possession articles of commerce, the just rate of Customs is to be levied on such goods, and nothing extra is to be demanded.

The Persian Government is likewise bound to pursue the same line of conduct towards the Merchants and Subjects of the Ottoman Empire. In conformity with former Engagements, from this period, on the part of the Vizirs the Emir-Elhadj, and other Commanders and Governors, the ancient Stipulations respecting the Persian Pilgrims and Merchants shall be considered as in full force and acted upon.

The Pilgrims shall be conducted from Damascus to the Holy Cities, and back to Damascus, and on the part of the Emir-Elhadj every attention shall be shown towards them; whilst no treatment at variance with the existing engagements shall be permitted; on the contrary, every exertion shall be made to afford them aid and protection. In case any disputes should arise amongst the Persian Pilgrims, the Emir-Elhadj, in conjunction with the chief person among them, is to settle their differences. To the female attendants of His Persian Majesty, the wives of the Royal Princes, or of the Grandees of the Empire, who may be on pilgrimage to Mecca, or to Kerbelah and Nujuff, every respect and honour shall be paid according to their respective ranks. Persian Merchants and Subjects shall pay the same rate of Customs as those of the Ottoman Government. The duties are only to be exacted once, and they shall be at a computation of four piastres to a hundred on the value of the merchandize; *Teskérés* shall be given; and whilst the goods remain in the possession of the first proprietors, and are not disposed of to other Persons, no further duties are to be demanded.

The Persian Merchants, who carry the *Choobooks,* or Pipesticks of Sheeraz to Constantinople, shall be allowed to traffick them without any restrictions, and to sell them to whomsoever they may think proper. To the Merchants, Subjects, and Dependants of the Two High Powers, visiting the two Countries, in consideration of the Mahomedan religion, every friendly treatment shall be extended, and they shall be preserved from all molestation and injury.

ART. III. The Tribes of Hyderanloo and Sibbikee, which have been the cause of contention between the Two High Powers, and are now dwelling in the Territory of the Ottoman Empire, should they from thence transgress the boundary of Persia, and commit any ravages, the Turkish Frontier Authorities will endeavour to prevent such proceedings, and punish the offenders. In case that these tribes continue to invade and molest the Persian Territory, and the Frontier Authorities do not put a stop to these aggressions, the Ottoman Government shall cease to protect them, and should these Tribes of their own will and choice return to Persia, their departure shall not be prohibited nor opposed. But after their arrival in Persia, should they again desert to Turkey, the Ottoman Government shall afford them no further protection, nor shall

they be received. In the event of their return to Persia, should these tribes disturb the tranquillity of the Ottoman Territory, the Persian Frontier Authorities agree to use every effort to prevent these irregularities.

ART. IV. In conformity with ancient engagements, the deserters from either Country shall not be received; and in like manner, from this period, the wandering Tribes and others quitting Persia for Turkey, or Turkey for Persia, shall not receive protection from either party.

ART. V. The property of the Persian Merchants sequestrated at Constantinople, with the cognizance of the Law and according to the public registers, from the date of this Treaty to the period of sixty days, wherever the sequestration may have taken place, shall be restored to the Proprietors. Besides the goods under sequestration, whatever effects during the war may have been taken by force from the Persian Pilgrims and Subjects throughout the Ottoman Dominions, by the different Vizirs and Governors, on the representations of the Persian Government, Firmans shall be delivered up to the Agents of such persons, who, on giving lawful proofs of the authenticity of their claims, shall receive the required restitutions.

ART. VI. On the demise of any Persian Subjects in the Ottoman Dominions, should the deceased have no lawful heir and executor present, the Officers of the Treasury (*Beit ul Mal*) shall, with the cognizance of the Law, register the property, and shall enter it upon the Records of the Court of Judicature. For the period of one year the effects shall be lodged in a secure place, until the lawful heir or administrator of the estate may arrive, when, according to the Register of the Courts of Judicature, the property shall be delivered up. The customary fees and the hire of the place for depositing the effects are to be paid, and should they be burnt or destroyed within the above stated period, no claims are to be advanced for the recovery of the property. If during the said period the heir of the executor of the deceased does not arrive, the Officers of the Treasury, with the knowledge of the Agent of the Persian Government, shall sell the property and keep the amount in deposit.

ART. VII. Agreeably to former Engagements, and for the purpose of adding fresh ties to the Alliance, a Minister shall be sent every three years to reside for that period at the respective Courts.

The subjects of the Two High Powers, who, during the War, may have deserted from either country, in consideration of this happy Peace, shall suffer no punishment for the offence committed.

Final Article.—The Capitulations detailed in the Basis of the Treaty, and the Stipulations and different Articles which have been the result of the Conferences, shall be approved of by both Parties. No claims shall be advanced on account of plunder and losses, or any indemnification required for the expenses of the War, and the principle adhered to by both Governments shall be to overlook all past occurrences.

37. ACT OF THE BRITISH PARLIAMENT DISSOLVING THE LEVANT COMPANY
10 June 1825

[*British and Foreign State Papers,* vol. 12, pp. 531–35]

The industrial revolution in England a full half-century ahead of its closest competitors, the dislocating effects on the continent of the Napoleonic wars, and the unchallenged supremacy of the British fleet inaugurated after 1815 the most prosperous decade in the long history of the (English) Levant Company. By then, however, overseas commerce by monopoly had outlived its usefulness. Under the stress of the Napoleonic wars, the United Kingdom's political and military interests in the Ottoman Empire had assumed for the first time greater significance than the commercial. The government in 1804 relieved the company

entirely of its residual yet substantial responsibilities for managing the British Embassy at Istanbul. But the British consular service in the Ottoman Empire remained under the company's direct control for two decades longer, when it was finally taken over by the Foreign Office in response to public demands for free trade and to the growing complexity of Anglo-Ottoman relations. Early in 1825 the company agreed in the public interest to surrender its remaining restrictive privileges. A. C. Wood, *History of Levant Company,* chap. 10; V. J. Puryear, *France and the Levant,* chap. 2; F. E. Bailey, *British Policy and the Turkish Reform Movement,* chap. 3.

Whereas His late Majesty King *James* the First, by His Letters Patent bearing Date the 14th Day of *December,* in the 3rd Year of His Reign, did grant to several Persons therein named, and to their Sons, and such Others as should thereafter be admitted and made free, that they should be One Fellowship, and One Body Corporate and Politic, by the Name of "The Governor and Company of Merchants of *England* trading to the *Levant* Seas;" and by the same Name should have perpetual Succession, with certain Rights and Privileges in the said Letters Patent specified: And whereas His late Majesty King *Charles* the Second, by His Letters Patent bearing Date the 2nd Day of *April,* in the 13th Year of His Reign, did ratify and confirm the said Letters Patent of King *James* the First, and did grant further Authorities and Privileges to the said Governor and Company: And where as by divers Acts certain Regulations have been made respecting the said Company, and the Dues and Duties payable to the said Company, that is to say, an Act made in the 26th Year of the Reign of His late Majesty King *George* the Second, [cap. 18,] intituled *An Act for enlarging and regulating the Trade into the* Levant *Seas;* an Act made in the 20th Year of the Reign of His late Majesty King *George* the Third, [cap. 18,] among other things, for the allowing the Importation into and Exportation from *Ireland,* of such Goods as may be Imported into or Exported from *Great Britain* by the Merchants of *England* trading to the *Levant* Seas; an Act made in the 43rd Year of the Reign of His said late Majesty King *George* the Third, [cap. 153,] to permit the Importation into *Great Britain* and *Ireland,* of certain Goods, Wares, and Merchandize in Neutral Vessels; an Act made in the 55th Year of the Reign of His late Majesty King *George* the Third, [cap. 29,] intituled *An Act to regulate the Trade between* Malta *and its Dependencies and His Majesty's Colonies and Plantations in* America, *and also between* Malta *and the United Kingdom;* an Act made in the 57th Year of the Reign of His said late Majesty King *George* the Third, [cap. 4,] intituled *An Act to extend the Privileges of the Trade of* Malta *to the Port of* Gibraltar; and an Act made in the 59th Year of the Reign of His said late Majesty King *George* the Third, [cap. 110,] intituled *An Act to remove Doubts respecting the Dues payable to the* Levant *Company:* And whereas it would be beneficial to the Trade of the United Kingdom, and especially to the Trade carried on in the *Levant* Seas, that the exclusive Rights and Privileges of the said Governor and Company under the said Letters Patent and Acts of Parliament should cease and determine: And whereas the said Governor and Company are willing and desirous to surrender up the said Letters Patent into His Majesty's Hands: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That whenever and so soon as any Deed or Instrument by which the said Governor and Company shall so surrender up to His Majesty the said Letters Patent, and all Rights, Powers, and Privileges thereby granted or confirmed to the said Governor and Company, shall be made and executed under the Common Seal of the said Governor and Company, and shall be enrolled in His Majesty's High Court of Chancery, the said several Letters Patent and Grants hereinbefore recited, and every Matter, Clause, and Thing therein contained, shall be and become, and the same are hereby declared to be and become null

and void; and that from and immediately after the Enrolment of such Deed or Instrument, the said Governor and Company shall cease to be a body Politic and Corporate, and the said Corporation shall be dissolved to all Intents, Constructions, and Purposes, whatsoever; and all Rights, Powers, and Privileges by the said Letters Patent, or by the said several hereinbefore recited Acts, or by any other Authority or Means granted to or possessed by the said Governor and Company, shall from henceforth cease and determine; anything in the said several Letters Patent and Acts, or any of them, to the contrary in anywise notwithstanding; and the said Governor and Company shall be and they are hereby divested of and from all Land, Houses, and Buildings, by whatever Tenure holden, at any Time heretofore purchased, acquired, or holden by the said Governor and Company, and which are holden, possessed, or claimed by the said Governor and Company, within the United Kingdom, or at *Smyrna* or elsewhere, and all such Land, Houses, Buildings, and all Right, Title, Estate, or Interest therein or thereto, holden, purchased, acquired, possessed, enjoyed, or claimed by the said Governor and Company, shall thenceforth be and the same and every of them are and is hereby declared and enacted to be fully and absolutely vested in His Majesty, His Heirs and Successors, for ever.

II. And whereas certain grants of money have been from time to time made to the said Governor and Company of Merchants of *England* trading to the *Levant* Seas, by sundry Acts, for the purpose of better enabling them to carry into effect the objects for which they were incorporated: And whereas it is just and expedient that all such property as shall belong to or be at the disposal of the said Governor and Company under or by virtue of the said Letters Patent and Acts, or any of them respectively, at the time of such their dissolution, should, after the payment of all debts and demands to which the said Governor and Company may be liable as such Corporation, be applied to the public Service, in the manner hereinafter directed; Be it therefore enacted, That from and immediately after the enrolment of any such Deed or Instrument as aforesaid, whereby the said Corporation shall be dissolved in manner directed by this Act, all monies in the Public Funds, and all other monies, goods, chattels, property, and other personal estate and effects whatsoever, in the possession or at the disposal of the said Governor and Company as such Corporation as aforesaid, or to which the said Governor and Company as such Corporation are or shall be entitled, or which shall or may be due to the said Governor and Company as such Corporation, shall be and become vested, and are hereby vested in the Commissioners of His Majesty's Treasury of The United Kingdom of *Great Britain* and *Ireland* for the time being; and that it shall and may be lawful for the said Commissioners of the Treasury now and for the time being, or any Three of the said Commissioners, to accept, receive, and recover, and to sell, transfer, and dispose of all such funds, monies, goods, chattels, property, and other personal estate and effects whatsoever, and to apply the produce thereof in the first place in and for the payment of all just debts and demands to which the said Governor and Company are or shall be liable at the dissolution of such Corporation, on account of any matter or thing relating to such Corporation; and from and after payment of all such debts and demands, it shall be lawful for the said Commissioners of the Treasury for the time being, or any Three or more of them, and they are hereby authorized and required to direct, that all the remainder and surplus of the produce of such public funds, monies, goods, chattels, property, and other personal Estate as aforesaid, shall be paid into the Receipt of His Majesty's Exchequer at *Westminster*, and shall be placed to the Account of and made part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

III. And be it further enacted, That from and immediately after the enrolment in His Majesty's High Court of Chancery of Such Deed or Instrument as aforesaid, the said recited Act of the 26th Year of the

Reign of His said late Majesty King *George* the Second, and also the said recited Act of the 59th Year of the Reign of His late Majesty King *George* the Third, and all Powers for the levying of any Duties or Dues heretofore payable to the said Governor and Company, shall be and the same are hereby repealed; and all such Duties and Dues, and all Powers for levying the same, shall cease and determine, except only so far as relates to the payment and recovery of any arrears of Duties and Dues which shall be payable to the said Company at the time of the enrolment of such Deed or Instrument; and also that from and after such enrolment of such Deed or Instrument, all and every clause, matter, and thing contained in the said several hereinbefore recited Acts made in the 20th, 43rd, 55th, and 57th Years of the Reign of His said late Majesty King *George* the Third, in any way extending or relating to the said Governor and Company, shall be and the same are from thenceforth hereby repealed; anything in the said recited Acts or any of them, or any other law, usage, or custom to the contrary in anywise notwithstanding.

IV. And be it further enacted, That from and immediately after the enrolment of any such Deed or Instrument as aforesaid, all such Rights and Duties of Jurisdiction and Authority over His Majesty's Subjects resorting to the Ports of the *Levant* for the purposes of Trade or otherwise, as were lawfully exercised and performed, or which the said recited Letters Patent or Acts, or any of them, authorized to be exercised and performed by any Consuls or other Officers appointed by the said Company, or which such Consuls or other Officers lawfully exercised and performed under and by virtue of any Power or Authority whatever, shall, from and after the enrolment of such Deed or Investment as aforesaid, be and become invested in, and shall be exercised and performed by such Consuls and other Officers respectively as His Majesty may be pleased to appoint, for the protection of the Trade of His Majesty's Subjects in the Ports and Places respectively mentioned in the said Letters Patent and Acts, or any or either of them.

V. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby empowered and authorized to grant reasonable allowances and Pensions to such of the Officers and Servants in *England* of the said Company, and to such other Person or Persons as, by reason of the dissolution of the said Company, may lose and be deprived of their Offices, Employments, and Pensions, and to charge the same upon the Consolidated Fund of the United Kingdom; and all such Allowances and Pensions to be so granted, shall be payable and paid Quarterly at the receipt of the Exchequer at *Westminster*, out of the said Consolidated Fund, free and clear of and from all taxes, charges, and deductions whatsoever; and the said Commissioners of His Majesty's Treasury shall yearly and every Year before the 25th Day of *March* in each Year, if Parliament be sitting, and in case Parliament shall not be sitting, then within 20 Days after the Meeting of Parliament then next following such 25th Day of *March*, cause an Account and Estimate to be laid before Parliament, of the total Amount of such Allowances and Pensions payable to such Officers and Servants in *England* of the said Company, and to such other Persons as are hereinbefore mentioned, for One Year ending on the 5th Day of *January* preceding every such 25th Day of *March* respectively.

38. TREATIES OF PEACE AND COMMERCE (TURKMANCHAY): PERSIA AND RUSSIA
10/22 February 1828

[J. Rives Childs, comp., *Perso-Russian Treaties and Notes of 1828–1931* (typescript in the Library of Congress), pp. 1–18]

The treaty of Gulistan in 1813 (Doc. 33) had left neither side entirely happy. The Irredentist spirit in Persia did not die down in the dozen years that followed. Despite substantial gains in Transcaucasia at Persian expense, Russia still sought the shah's districts north of the Aras River, which the tsarist government regarded as a more feasible frontier. Victory in the renewed war of 1826–28 enabled the Russians, under the treaty of peace concluded in the village of Turkmanchay, to annex the coveted provinces of Erivan and Nakhichevan (article 4), thus achieving a stable boundary with Persia west of the Caspian. The Persians were also required to pay a considerable indemnity, amounting to the equivalent of 17.5 million dollars (article 6). The exclusive Russian right to navigate in the Caspian Sea, first granted in Gulistan, was reaffirmed (article 8). No less significant was the commercial treaty signed the same day, assuring Russian subjects extraterritorial privileges and establishing the pattern of the capitulatory regime for Europeans in Persia under the Qajar dynasty. Article 14 of the peace treaty was modified in 1844 (French text of convention in *British and Foreign State Papers,* vol. 33, p. 884). J. F. Baddeley, *Russian Conquest of Caucasus,* chaps. 6–11; Sir P. Sykes, *History of Persia,* chap. 76; Sir H. Rawlinson, *England and Russia in the East,* chap. 1; M. T. Florinsky, *Russia,* vol. 2, pp. 830–31; A. K. Matine-Daftary, *La Suppression des capitulations en Perse,* chaps. 2–3; A. Krausse, *Russia in Asia,* chap. 5; R. G. Watson, *History of Persia,* chaps. 8–9.

1. THE TREATY OF PEACE

ART. I. There will be, dating from this day, peace, friendship and perfect understanding between His Majesty the Emperor of all the Russias on one hand, and His Majesty the Shah of Persia on the other, their Heirs and Successors, their States and their respective Subjects, in perpetuity.

ART. II. Considering that the hostilities taken place between the High Contracting Parties, and happily terminated today, have brought to an end the obligations which the Treaty of Gulistan imposed upon them, His Majesty the Emperor of all the Russias and His Majesty the Shah in Shah of Persia have judged it appropriate to replace the said Treaty of Gulistan by the present Clauses and Stipulations, which are designed to regulate and to consolidate more and more the future relations of peace and friendship between Russia and Persia.

ART. III. His Majesty the Shah of Persia, both in his name as in that of his Heirs and Successors, cedes in entire ownership to the Russian Empire the Khanate of Erivan on both sides of the Araxe, and the Khanate of Nakhitchevan. In consequence of this cession, His Majesty the Shah undertakes to turn over to the Russian Authorities, within six months at the latest, from the date of signature of the present Treaty, all the archives and all public documents concerning the administration of the two Khanates abovementioned.

ART. IV. The two High Contracting Parties agree to establish, as the frontier between the two States, the following line of demarcation: In parting from the point of the frontier of the Ottoman States, the nearest in a straight line from the summit of the little Ararat, this line will continue to the summit of this mountain from whence it will descend to the source of the river known as the Lower Karassou which flows from the southern side of the Little Ararat and it will follow its course until its discharge in the Araxe, opposite Cherour. Arrived at this point, this line will follow the bed of the Araxe to the Fortress of Abbas-Abad; around the exterior works of this place which are situated on the right bank of the Araxe, there will be traced a radius of a half agatch, or three versts and a half from Russia, which will extend in all

directions; all the land which will be enclosed in this radius will belong exclusively to Russia and will be demarked with the greatest exactitude in the space of two months, dating from this day. From the locality where the eastern extremity of this radius will have rejoined the Araxe, the frontier line will continue to follow the bed of this river to the ford of Jediboulouk, from whence the Persian Territory will extend the length of the bed of the Araxe for a distince of three agatch or twenty-one versts from Russia; arrived at this point, the frontier line will traverse in a direct manner the plain of Moughan to the bed of the river known as Bolgarou, to the place situated at three agatch or twenty-one versts below the conjunction of the two small rivers known as Odinabazar and Sarakamyche. From there, this line will reascend from the left bank of the Bolgarou to the junction of the said rivers Odinabazar and Sarakamyche and will extend the length of the right bank of the river of Odinabazar to its source and from their to the summit of the heights of Djikoir so that all the waters which flow towards the Caspian Sea will belong to Russia, and all those watershed is of the Persian side will belong to Persia. The limit of the two States being marked here by the crest of the mountains, it is agreed that there declination from the side of the Caspian Sea will belong to Russia and that their opposite slope will belong to Persia. From the crest of the heights of Djikoir, the frontier will follow the summit of Kamarkouia, the mountains which separate the Talyche from the district of Archa. The crests of the mountains, separating on all sides the watershed, will determine here the frontier line in the same manner as stated above concerning the distance included between the source of the Odinabazar and the summits of Djikoir. The frontier line will follow thereafter, from the summit of Kamarkouia, the crests of the mountains which separate the district of Zouvante from that of Archa to the limit of that of Welkidji, always conforming to the principle enunciated in connection with the watershed. The district of Zouvante, with the exception of the part situated on the opposite side of the summit of the said mountains, will fall in this way in division to Russia. Beginning with the limit of the district of Welkidji, the frontier line between the two States will follow the summits of Klopouty and of the principal chain of mountains which traverse the district of Welkidji to the northern source of the river called Astara, always observing the principle relative to the watershed. From there the frontier will follow the bed of this river to its discharge in the Caspian Sea, and will complete the line of demarcation which will separate in future the respective possessions of Russia and Persia.

ART. V. His Majesty the Shah of Persia in testimony of his sincere friendship for His Majesty the Emperor of all the Russias, solemnly recognizes by the present Article, both in his name as in that of his Heirs and Successors to the throne of Persia, as belonging forever to the Russian Empire, all the countries and all the islands situated between the line of demarcation designated by the preceding Article on the one side, and the crest of the mountains of the Caucasus, and the Caspian Sea on the other, as well as the peoples, nomads and others who inhabit these countries.

ART. VI. With a view to recompensing the considerable sacrifices that the war, which occurred between the two States, has occasioned to the Russian Empire, as well as the losses and damages which have resulted therefrom for Russian subjects, His Majesty the Shah of Persia undertakes to make them good by means of a pecuniary indemnity. It is agreed between the two High Contracting Parties that the total of this indemnity is fixed at ten kupours of silver tomans or 20,000,000 silver roubles and that the method, the terms and the guarantees of payment of this sum will be regulated by a special arrangement which shall have the same force and value as if it were inserted word for word in the present Treaty.

ART. VII. His Majesty the Shah of Persia having judged it fitting to appoint as his Successor and Heir Presumptive his August Son Prince Abbas Mirza, His Majesty the Emperor of all the Russias, with a

view to giving to His Majesty the Shah public evidence of his friendly dispositions and of his desire to contribute to the consolidation of this order of succession, undertakes to recognize as from today, in the August Person of His Royal Highness Prince Abbas Mirza, the Successor and Heir Presumptive of the Crown of Persia and to consider Him as the Legitimate Sovereign of this Kingdom from his ascension to the throne.

ART. VIII. Russian merchant vessels will enjoy, as in the past, the right to navigate freely on the Caspian Sea and along its coasts and to land there. They will find in Persia aid and assistance in case of shipwreck. The same right is accorded to Persian merchant vessels to navigate on the old footing in the Caspian Sea and to enter Russian Rivers where, in case of shipwreck, the Persians will receive reciprocally aid and assistance.[1]

As for war vessels, those which bear the Russian military flag being *ab antiquo* the only ones which have had the right to navigate on the Caspian Sea, this same exclusive privilege, is for this reason, equally reserved and assured today, so that, with the exception of Russia, no other Power shall be able to have war vessels on the Caspian Sea.

ART. IX. His Majesty the Emperor of all the Russias and His Majesty the Shah of Persia, having at heart to strengthen by all means the ties so happily reestablished between them, are agreed that the Ambassadors, Ministers, and Chargés d'Affaires, who may be reciprocally delegated near the respective High Courts, whether to discharge a temporary Mission or to reside there permanently, will be received with the honors and distinction befitting their rank and conformable with the dignity of the High Contracting Parties, as with the sincere friendship which unites them and conformable with the customs of the country. An understanding to this effect will be reached by means of a special Protocol regarding the ceremonial to be observed by both sides.

ART. X. His Majesty the Emperor of all the Russias and His Majesty the Shah of Persia, considering the reestablishment and the extension of commercial relations between the two States as one of the first benefactions which the return of peace should produce, have agreed to regulate in a perfect accord all provisions relative to the protection of commerce, and to the safety of the respective subjects, and to embody them in a separate Act annexed hereto, drawn up between the respective Plenipotentiaries and which is and will be considered as forming an integral part of the present Treaty of Peace.

His Majesty the Shah of Persia reserves to Russia, as in the past, the right of appointing consuls or commercial agents wherever the good of commerce will demand it, and he undertakes to endow these consuls and agents, none of which shall have a suite of more than ten persons, with the protection, the honors and the privileges belonging to their public character. His Majesty the Emperor of all the Russias promises on His side to observe a perfect reciprocity in respect of the consuls and commercial agents of His Majesty the Shah of Persia. In case of well-founded complaint on the part of the Persian Government against one of the Russian consuls or agents, the Minister or Chargé d'Affaires of Russia, residing at the Court of His Majesty the Shah, and under the immediate orders of whom they will be placed, will suspend him from his functions and will confer provisionally the office upon whom he will deem fitting.

ART. XI. All the affairs and suits of the respective subjects, suspended by the intervention of the War, will be resumed and terminated in accordance with justice after the exclusion of Peace. The debts that the respective subjects may have the one in favor of the other, as well as to the treasury, will be promptly and entirely liquidated.

[1] On the 24th November 1869, a decision of the Council of the Empire of Russia was published, prohibiting the establishment of companies for the navigation of the Caspian Sea, except by Russian subjects, and the purchase by foreigners of shares in such Companies (Hertslet, *Treaties*, 1891).

ART. XII. The High Contracting Parties agree by common accord in the interest of their respective subjects to fix a term of three years in order that those among them who (own) immobile property on both sides of the Araxe may have the right to sell or exchange it freely. His Imperial Majesty of all the Russias excepts, however, from the benefit of this provision, so far as it concerns Him, the former Sardar of Erivan, Houssein Khan, his brother Hassen Khan and Kerim Khan, the former Governor of Nakhitchevan.

ART. XIII. All prisoners of war made in one way or another, whether in the course of the last War, or before, as well as the subjects of the two Governments reciprocally fallen into captivity, at no matter what time, will be freed within a period of four months and, after having been provided with food and other necessary objects, they will be directed to Abbas Abad in order to be turned over there into the hands of Commissioners, respectively charged with receiving them and to decide upon their eventual return to their homes. The High Contracting Parties will undertake the same in respect of all prisoners of War and all Russian and Persian subjects reciprocally fallen into captivity, who may not have been freed within the period above-mentioned, whether by reason of the isolated distance where they are to be found, or for any other cause or circumstance. The two Governments reserve expressly the unlimited right to reclaim them at no matter what time, and they obligate themselves to restore them mutually in the measure that they may present themselves for that purpose, or in the measure that they may reclaim them.

ART. XIV. The High Contracting Parties will not demand the extradition of fugitives and deserters who shall have passed under their respective jurisdiction before or during the war. At the same time, in order to prevent the mutually prejudicial consequences which might be able to result from the correspondence which some of these deserters may seek to hold with their former compatriots, or vassals, the Persian Government undertakes not to tolerate in its Possessions, situated between the Araxe and the line formed by the River known as Tohara, by Lake Urumiah, by the River called Djakatou and by the River known as Kizil-Ozane, to its descent into the Caspian Sea, the presence of individuals who will be designated now by name or who may be nominated to it in the future. His Majesty the Emperor of All the Russias promises equally on His side not to permit Persian deserters to establish themselves or to remain fixed in the Khanats of Karabag or of Nakhitchevan or in the part of the Khanat of Erivan situated on the right bank of the Araxe. It is, however, understood, that this clause is and will only be obligatory in respect of individuals possessing a public character of a certain dignity, such as the Khans, the Begs and the spiritual leaders or mullahs, whose personal example, intrigues and clandestine correspondence may be able to exercise a pernicious influence on their former compatriots, those formerly under their administration or their vassals. In so far as concerns the mass of the population in the too countries, it is agreed between the High Contracting Parties that the respective subjects who shall have passed or who may pass in the future from one State into the other, will be free to establish themselves or to sojourn wherever the Government under whose domination they will be placed will find it proper.

ART. XV. With the beneficent and salutary aim of restoring tranquility in his States and of removing from his subjects all that may aggravate the evils which have brought on them the war to which the present Treaty has put an end so happily, His Majesty the Shah accords a full and complete amnesty to all the inhabitants and functionaries of the province known as Azerbaijhan. No one of them, without exception of category, may not be either pursued, nor molested for his opinions, for his acts or for the conduct which he may have pursued, either during the war or during the temporary occupation of the said province by Russian troops. There will be, moreover, accorded them a period of one year dating from this day in order to transport themselves freely with their families from Per-

sian States into Russian States, to export and to sell their movable property, without the Governments or the local authorities being able to place the least obstacle in the way thereof, nor to deduct previously any tax or any recompense on the goods and objects sold or exported by them. As for their immovable property there will be accorded a term of five years to sell or to dispose thereof as may be desired. There are excepted from this amnesty those who may have rendered themselves culpable within the period of time above-mentioned of one year of some crime, or misdemeanor liable to penalties punished by the Courts.

ART. XVI. Immediately after the signature of the present Treaty of Peace, the respective plenipotentiaries will hasten to send the necessary notices and injunctions in all localities for the immediate cessation of hostilities.

2. THE COMMERCIAL TREATY

ART. I. The two High Contracting Parties desiring to make their respective subjects enjoy all the advantages which result from a reciprocal liberty of commerce, have agreed upon the following:

Russian subjects provided with passports in proper order shall be able to engage in commerce throughout the whole extent of the Persian Kingdom, and to proceed equally in the neighboring States of the said Kingdom.

In reciprocity thereof Persian subjects shall be able to import their merchandise into Russia, either by the Caspian Sea or by the land frontier which separates Russia from Persia, to exchange it or to make purchases for exportation, and they will enjoy all the rights and prerogatives accorded in the States of His Imperial Majesty to the subjects of the most favored friendly Powers.

In case of the decease of a Russian subject in Persia, his movable and immovable property, as belonging to the subject of a friendly Power, will be turned over intact to his relatives or associates, who will have the right to dispose of the said property as they may judge fitting. In the absence of relatives or associates the disposition of the said property will be confided to the Mission or to the Consuls of Russia without any difficulty on the part of the Russian authorities.

ART. II. Contracts, bills of exchange, bonds and other written instruments between the respective subjects for their commercial affairs will be registered with the Russian Consul and with the Hakim (Civil Magistrate) and there, where there is no Consul, with the Hakim alone, so that in case of dispute between the two parties one can make the researches necessary in order to decide the difference in conformity with justice.

If one of the two parties without being provided with the documents drawn up and legalized as stated above, which will be valid before every court of justice, should desire to institute a suit against the other in producing only proofs of testimonials, such pretensions will not be admitted at all unless the defendant himself may recognize the legality thereof.

Every undertaking entered into between the respective subjects in the forms above prescribed will be religiously observed and the refusal to give satisfaction therein which may occasion losses to one of the parties will give place to a proportional indemnity on the part of the other. In case of bankruptcy of a Russian merchant in Persia, his creditors will be recompensed with the goods and effects of the bankrupt, but the Russian Minister, the Chargé d'Affaires or the Consul shall not refuse if demanded their good offices to assure themselves whether the bankrupt has not left in Russia available properties which may serve to satisfy the same creditors.

The provisions drawn up in the present Article will be reciprocally observed in respect of Persian subjects who engage in commerce in Russia under the protection of its laws.

ART. III. With a view to assuring to the trade of the respective subjects the advantages which are the object of the previous stipulations, it is agreed that merchandise imported into Persia or exported from that Kingdom by Russian subjects and equally the products of Persia imported into Rus-

sia by Persian subjects, whether by the Caspian Sea or by the land frontier between the two States, as well as Russian merchandise which Persian subjects may export from the Empire by the same means, will be subject, as in the past, to a duty of five per cent, collected one time for all at entry or departure, and will not be subject thereafter to any other customs dues. If Russia may judge it necessary to draw up new customs regulations or new tariffs, it undertakes however not to increase even in this case the rate above-mentioned of five per cent.

ART. IV. If Russia or Persia find themselves at war with another Power it will not be forbidden to the respective subjects to cross with their merchandise the territory of the High Contracting Parties to proceed into the confines of the said Power.

ART. V. Seeing that after existing usages in Persia it is difficult for foreign subjects to find for rent houses, warehouses or premises suitable as depots for their merchandise, it is permitted to Russian subjects in Persia not only to rent but also to acquire in full ownership houses for habitation and shops as well as premises to store therein their merchandise.

The employees of the Persian Government shall not be able to enter by force in the said houses, shops or premises, at least without having recourse in case of necessity to the authorization of the Russian Minister, Chargé d'Affaires or Consul who will delegate an employee or dragoman to assist in the visit to the house or the merchandise.

ART. VI. At the same time the Minister or the Chargé d'Affaires of His Imperial Majesty, the employees of the Russian Mission, Consuls and Dragomans, not finding for sale in Persia neither the effects to serve for their clothing nor many objects of food which are necessary to them, shall be able to introduce free of tax and of dues, for their own account, all objects and effects which may be destined solely to their use.

The public servants of His Majesty the Shah residing in the States of the Russian Empire will enjoy perfect reciprocity in this regard.

Persian subjects forming part of the suite of the Minister or Chargé d'Affaires or Consuls, and necessary for their service, will enjoy, so long as they shall be attached to them, their protection on an equality with Russian subjects, but if it may happen that one amongst them renders himself culpable of some misdemeanor and that he makes himself liable thereby to punishment by the existing laws, in this case the Persian Minister or Hakim and, in his absence, the competent local authority, shall address himself immediately to the Russian Minister, Chargé d'Affaires or Consul, in the service of which the accused is to be found in order that he may be delivered to justice; and if this request is founded on proofs establishing the culpability of the accused, the Minister, Chargé d'Affaires or Consul will interpose no difficulty for the satisfaction thereof.

ART. VII. All suits and litigations between Russian subjects will be subject exclusively to the examination and decision of the Russian Mission or Consuls in conformity with the laws and customs of the Russian Empire; as well as the differences and suits occurring between Russian subjects and those of another Power where the parties shall consent thereto.

When differences or suits shall arise between Russian subjects and Persian subjects, the said suits or differences will be brought before the Hakim or Governor and will be examined and judged only in the presence of the Dragoman of the Mission or the Consulate.

Once juridically terminated, such suits may not be instituted a second time. If, however, the circumstances were of a nature to demand a second examination, it may not take place without notification to the Russian Minister, Chargé d'Affaires or Consul and in this case the affair will only be considered and judged at the Defter, that is to say, in the Supreme Chancellery of the Shah at Tabriz or at Teheran, likewise in the presence of a Dragoman of the Russian Mission or Consulate.

ART. VIII. In case of murder or other

crime committed between Russian subjects the examination and the decision of the case will be the exclusive concern of the Russian Minister, Chargé d'Affaires or Consul by virtue of the jurisdiction over their nationals conferred upon them.

If a Russian subject is found implicated with individuals of another nation in a criminal suit he cannot be pursued nor harried in any manner without proofs of his participation in the crime, and in this case even as in that where a Russian subject may be accused of direct culpability, the courts of the country may only proceed to take cognizance and give judgment concerning the crime in the presence of a delegate of the Russian Mission or Consulate, and if they are not to be found at the place where the crime has been committed, the local authorities will transport the delinquent there where there is a constituted Russian Consul or Agent.

Testimonies for the prosecution and for the defense of the accused will be faithfully collected by the Hakim and by the Judge of the locality, and invested with their signature; transmitted in this form there where the crime has to be judged, these testimonies will become authentic documents or parts of the suit unless the accused proves clearly their falsity.

When the accused shall have been duly convicted and sentence shall have been pronounced, the delinquent will be turned over to the Minister, Chargé d'Affaires or Consul of His Imperial Majesty who will return him to Russia to receive there the punishment prescribed by the laws.

ART. IX. The High Contracting Parties will take care that the stipulations of the present Act may be strictly observed and fulfilled, and the Governors of their Provinces, Commandants and other respective authorities will not permit themselves in any case to violate them, under penalty of a grave responsibility and even of dismissal in case of complaint duly proven.

39. TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND THE OTTOMAN EMPIRE
7 May 1830

(Ratifications exchanged, Istanbul, 5 October 1831)

[*U. S. Treaty Series,* No. 267, the separate and secret article, which the Senate did not ratify, was translated from the Turkish original in 1931 by J. H. Kramers and printed in Hunter Miller, *Treaties and Other International Acts of the United States of America* (Washington, 1933), vol. 3, pp. 580–81]

Capitulatory rights of American nationals in the Ottoman Empire derived from the treaty of 1830, which was framed in the Turkish language with an official and agreed French version. The United States later abandoned the French text and relied wholly upon the Turkish. Differences over the meaning of article 4, arising from English translations, persisted until 1917 and placed a strain on American-Ottoman relations, particularly after the 1880's. The two governments concluded a commercial convention on 25 February 1862 (*U. S. Treaty Series,* No. 268), modeled on the Anglo-Ottoman agreement of 1861. But the Sublime Porte in 1884 repudiated the convention with the United States, which thereafter based its claims to most favored nation treatment on the 1830 instrument. The separate article, the first proposed secret arrangement ever presented by an American President to the Senate, attested to the anxiety of the Ottoman government over its substantial naval losses in the war for Greek independence (1821–30). As one of the American negotiators commented, when the treaty was sent to Washington, "It was necessary to shew The Sultan that *something* had been granted for the concessions he had made. . . ." The secret article, he went on, "is a *perfect nullity,* giving only the privilege of *consulting* with our Minister about the best mode of making a Contract to procure Ships or Ship Timber and moreover The Reis Effendi [Foreign Minister] said that if The President was not disposed to sign the article, it would be of no consequence, and the Treaty would be ratified without it. . . ." (As cited in

Miller, *op. cit.*, vol. 3, p. 575.) Miller, *op. cit.*, vol. III, pp. 541–98 (which contains on pp. 551–57 Kramers' 1931 translation of the full text of the treaty); C. O. Paullin, *Diplomatic Negotiations of American Naval Officers,* chap. 5; L. J. Gordon, *American Relations with Turkey, 1830–1930,* chaps. 2, 12; P. M. Brown, *Foreigners in Turkey;* J. C. Hurewitz, *Middle East Dilemmas,* chap. 5; E. A. Van Dyck, *Report on the Capitulations of the Ottoman Empire* (U.S., 47th Con., 1st Sess., Sen. Exec. Doc. No. 3); G. B. Ravndal, *Origin of the Capitulations and of the Consular Institutions* (U.S. 67th Cong., 1st Sess., Sen. Doc. No. 34).

ART. I. Merchants of the Sublime Porte, whether Mussulmans or Rayahs' going and coming, in the countries, provinces, and ports, of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers, shall serve as a rule, and shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested. On both sides, travelling passports shall be granted.

ART. II. The Sublime Porte may establish *Shahbenders* (Consuls) in the United States of America; and the United States may appoint their citizens to be Consuls or Vice Consuls, at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice Consuls shall be furnished with *Berats* or *Firmans;* they shall enjoy suitable distinction, and shall have necessary aid and protection.

ART. III. American merchants established in the well defended States of the Sublime Porte, for purposes of commerce, shall have liberty to employ *Semsars,* (brokers) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at, or departing from, the ports of the Ottoman Empire, shall not be subjected to greater visit, by the officers of the Customhouse and the Chancery of the Port, than vessels of the most favored nations.

ART. IV. If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offense, shall not be molested; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

ART. V. American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other Nations and Powers, nor to the vessels of rayahs. The Minister, Consuls, and Vice Consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

ART. VI. Vessels of war of the two Contracting Parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

ART. VII. Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

ART. VIII. Merchant vessels of the two Contracting Parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels, shall be unwilling to freight them.

ART. IX. If any merchant vessel of either of the Contracting Parties, should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul, nearest to the place of the wreck, to be, by him, delivered to the proprietors.

SEPARATE AND SECRET ARTICLE

The reason of the writing of this document and the motive of the drawing up of this writ are as follows:

As there has not been concluded heretofore any kind of official treaty between the everlasting Sublime Government and the Government of the United States of America, now, as we, the undersigned functionary, occupying the elevated degree of Chief of the Secretaries of the ever-stable Sublime Government and of the exalted Sultanate, eternally enduring, have been authorized by the Most Noble Imperial Excellency, there have been negotiations between us and our friend Charles Rhind, who has been charged and commissioned with complete authority by the aforesaid Government, separately by coming to the Gate of Felicity and jointly with the functionaries named Commodore Biddle and David Offley, now being in the town of Smyrna.

The documents containing the treaty articles that have been drawn up and established as a result of these negotiations, have been exchanged and will be undersigned hereafter by the two aforesaid functionaries.

Now that in this way a new treaty and an increased friendship and amity have been established between the two Governments, in observance of the principles of mutual profit and common interest and with regard to the fact that in the state of America timber is abundant and strong and that the building expenses are there light and small, the aforesaid functionary, our friend, in confirmation of the sincere feelings of the said Government towards the glorious Imperial Sultanate, has contracted the obligation that, whenever the Sublime Government shall order the building and construction in the dominion of America of whatever quantity of war vessels, such as two-deckers, frigates, corvettes, and brigs, this shall be communicated and notified by the office of the Chief (of the Secretaries) to the functionary of the said Government who will be at that time at the Gate of Felicity; that there shall be drawn up a contractual document stating in which way it has been negotiated and agreed upon with regard to the building expenses, the time of construction, and also to the mode of sending and conveying to the Gate of Felicity, according to which contract the required ships shall be built and constructed after the design and model to be fixed and explained by the Imperial Arsenal, so as to be as strong and tight as the Government ships of the said Government, and provided that the building expenses be not higher than the expenses of the war ships of the said Government; and that, in case of an order being given, and so as to prevent the required ships from arriving empty at the Imperial Arsenal, there shall be negotiations between the functionaries of both parties, according to which there shall be laden and sent in each ship the timber necessary for the construction of another ship like that ship itself, provided that the price be in accordance with the official price of the said Government and that the material be calculated carefully and prepared in its place, after having been cut and well executed according to the measure.

This separate article, after having been signed by the two aforesaid functionaries, is destined to be a secret article and to be counted as a part of the mentioned treaty.

By the exchange of the ratifications within ten months after the day of this document, it shall be observed in every way.

40. TREATY OF DEFENSIVE ALLIANCE (HÜNKÂR ISKELESI): THE OTTOMAN EMPIRE AND RUSSIA
26 June/8 July 1833

(Ratifications exchanged, Istanbul, 20 August 1833; superseded, 15 July 1840)

[Great Britain, *Parliamentary Papers 1836,* vol. 50, No. 85]

Facing almost certain defeat by the insurgent Mehmed 'Ali Paşa of Egypt and the probable end of the 'Osmanli dynasty, Sultan Mahmud II (1808–39), after requests for assistance had been turned down by Austria, Britain and France, accepted Russian military aid early in 1833. For this he paid with a defensive alliance. The precise meaning of the formula devised at Hünkâr Iskelesi has never been wholly clarified. The instrument was drafted in French, so that even its signatories, in translating the provisions into Russian and Turkish, were bound to arrive at differing results. One school has held that the secret article authorized Russian warships to pass through the straits, even into the Mediterranean, while closing the channel to all other foreign navies. A second has maintained that at the most Russian vessels of war would be permitted transit through the Bosphorus only. A third has insisted that even this right cannot be said to have been expressly written into the treaty, and if it existed at all, it derived from the sultan's discretionary power "to summon aid against enemies" (Sir C. Webster, *The Foreign Policy of Palmerston, 1830–1841,* vol. 1, p. 305, note *1*). England and France took a dim view of the secret article, whatever its real meaning, fearing that its literal execution would convert the Ottoman Empire into an appendage of Russia. Webster, *op. cit.,* vol. 1, pp. 301–19; P. E. Mosely, *Russian Diplomacy and the Opening of the Eastern Question in 1838 and 1839,* chap. 2; H. Temperley, *England and the Near East,* pp. 69–74, 412–14; M. T. Florinsky, *Russia,* vol. 2, pp. 834–41; S. Goriainow, *Le Bosphore,* chap. 8; C. Phillipson and N. Buxton, *The Bosphorus,* part 2, chap. 3; P. H. Mischef, *La Mer Noire,* chap. 4; J. E. Cattaui, *Histoire des rapports de l'Égypte avec la Sublime Porte,* part 2, chaps. 1–2.

ART. 1. There shall be for ever peace, amity and alliance between His Majesty the Emperor of all the Russias and His Majesty the Emperor of the Ottomans. their empires and their subjects, as well by land as by sea. This alliance having solely for its object the common defence of their dominions against all attack. their Majesties engage to come to an unreserved understanding with each other upon all the matters which concern their respective tranquillity and safety, and to afford to each other mutually for this purpose substantial aid, and the most efficacious assistance.

ART. 2. The Treaty of Peace concluded at Adrianople, on the 2d of September 1829. as well as all the other Treaties comprised therein, as also the Convention signed at St. Petersburg, on the 14th of April 1830, and the arrangement relating to Greece concluded at Constantinople, on the 9 & 21 July 1832, are fully confirmed by the present Treaty of Defensive Alliance, in the same manner as if the said transactions had been inserted in it word for word.

ART. 3. In consequence of the principle of conservation and mutual defence, which is the basis of the present Treaty of Alliance, and by reason of a most sincere desire of securing the permanence, maintenance and entire independence of the Sublime Porte, his Majesty the Emperor of all the Russias, in the event of circumstances occurring which should again determine the Sublime Porte to call for the naval and military assistance of Russia, although, if it please God, that case is by no means likely to happen, engages to furnish, by land and by sea, as many troops and forces as the two high contracting parties may deem

necessary. It is accordingly agreed, that in this case the land and sea forces, whose aid the Sublime Porte may call for, shall be held at its disposal.

ART. 4. In conformity with what is above stated, in the event of one of the two powers requesting the assistance of the other, the expense only of provisioning the land and the sea forces which may be furnished, shall fall to the charge of the power who shall have applied for the aid.

ART. 5. Although the two high contracting parties sincerely intend to maintain this engagement to the most distant period of time, yet, as it is possible that in process of time circumstances may require that some changes should be made in this Treaty, it has been agreed to fix its duration at eight years from the day of the exchange of the Imperial Ratifications. The two parties, previously to the expiration of that term, will concert together, according to the state of affairs at that time, as to the renewal of the said Treaty. . . .

SEPARATE AND SECRET ARTICLE

In virtue of one of the clauses of the first Article of the Patent Treaty of Defensive Alliance concluded between the Imperial Court of Russia and the Sublime Porte, the two high contracting parties are bound to afford to each other mutually substantial aid, and the most efficacious assistance for the safety of their respective dominions. Nevertheless, as his Majesty the Emperor of all the Russias, wishing to spare the Sublime Ottoman Porte the expense and inconvenience which might be occasioned to it, by affording substantial aid, will not ask for that aid if circumstances should place the Sublime Porte under the obligation of furnishing it, the Sublime Ottoman Porte, in the place of the aid which it is bound to furnish in case of need, according to the principle of reciprocity of the Patent Treaty, shall confine its action in favour of the Imperial Court of Russia to closing the strait of the Dardanelles, that is to say, to not allowing any foreign vessels of war to enter therein under any pretext whatsoever.

The present Separate and Secret Article shall have the same force and value as if it was inserted word for word in the Treaty of Alliance of this day.

41. PROTEST AGAINST TREATY OF HÜNKÂR ISKELESI, PRESENTED TO THE SUBLIME PORTE BY THE BRITISH AMBASSADOR
26 August 1833

[Great Britain, Public Record Office, F. O. 28/220]

On 7 August 1833 Foreign Minister Lord Palmerston sent to Istanbul with the King's approval a note of protest against the Russo-Ottoman secret alliance with a directive that the British Ambassador was to present the note to the Sublime Porte, if the ratifications of the treaty had already been exchanged or if his representations against ratification were to prove ineffectual. This note, and a comparable one from the French Ambassador, were transmitted to the Ottoman government on 26 August. For references, see Doc. 40.

The Undersigned has been instructed to express to the Sublime Porte the deep concern with which the British Government has learnt the conclusion of the Treaty of the 8th of July between the Emperor of Russia and the Sultan. That Treaty appears to His Majesty's Government to produce a change in the relations between Turkey and Russia, to which other European States are entitled to object; and the undersigned is instructed to declare that if the stipulations of that Treaty should hereafter lead to the armed interference of Russia in the internal affairs of Turkey, the British Government will hold itself at liberty to act upon such an occasion, in any manner which the circumstances of the moment may appear to require, equally as if the Treaty abovementioned were not in existence.

42. CONVENTION (MÜNCHENGRÄTZ) FOR COMMON ACTION ON THE EASTERN QUESTION: AUSTRIA AND RUSSIA
6/18 September 1833

[Translated from French text in F. F. Martens, *Recueil des traités et conventions conclus par la Russie avec les puissances étrangerès* (St. Petersburg, 1878), vol. 4, pp. 445–49]

Tsar Nicholas I feared that Mehmed 'Ali's revolt (1831–33) was encouraging republicanism in Europe. Russian aid to Sultan Mahmud II early in 1833 could be viewed partly in this light. To win European allies animated by the same spirit of conservatism and induce them to forge a common policy on the Eastern Question, either by keeping the Ottoman Empire alive under the existing 'Osmanli dynasty or by agreeing in advance on the disposition of the spoils in the event of that empire's collapse, constituted the principal motivation of the secret Russo-Austrian entente arranged at Münchengrätz. Although Austria's Metternich did not regard the convention with the same reverence as Nicholas I and favored making it public, the terms of the private accord proved to be a better kept secret than those adopted at Hünkâr Iskelesi. Sir C. Webster, *The Foreign Policy of Palmerston, 1830–1841,* vol. 1, pp. 301–19; H. Temperley, *England and the Near East,* pp. 78–82, 414; M. T. Florinsky, *Russia,* vol. 2, pp. 840–41; E. Molden, *Die Orientpolitik des Fürsten Metternich 1829–1833,* pp. 92–118; A. Beer, *Die orientalische Politik Österreichs seit 1774,* chap 6; T. Schiemann, *Geschichte Russlands unter Kaiser Nikolaus I,* vol. 3, chap. 7.

ART. 1. The Courts of Austria and Russia undertake mutually to implement their resolution to maintain the existence of the Ottoman Empire under the present dynasty, and to devote to this end, in perfect accord, all the means of influence and action in their power.

ART. 2. In consequence, the two Imperial Courts undertake to oppose in common any combination affecting the independence of sovereign authority in Turkey, whether by the establishment of a provisional regency, or by a complete change of dynasty. If either of these situations should occur, the two High Contracting Parties will not only refuse to recognize such an order of things but will also consult immediately on the most effective measures to adopt in common, so as to prevent the dangers which a change in the existing Ottoman Empire might entail for the safety and interests of their own States adjacent to Turkey. . . .

SEPARATE AND SECRET ARTICLES

ART. 1. The High Contracting Parties intend to apply specifically to the Pasha of Egypt the stipulations of Article 2 of today's Convention, and they undertake in common expressly to prevent the authority of the Pasha of Egypt from extending, directly or indirectly, to the European provinces of the Ottoman Empire.

ART. 2. In signing today's Convention, the two Imperial Courts do not overlook the possibility that despite their wishes and joint efforts, the present order of things in Turkey may be upset; and it is their intention, in such a case, not to alter the principle of unity in Eastern affairs which forms the basis of today's Convention. It is understood therefore that, in such an eventuality, the two Imperial Courts will act only in concert and in a perfect spirit of solidarity in all matters pertaining to the establishment of a new order of things, destined to replace that which now exists, and that they will assume joint responsibility in making certain that the change occurring in the internal situation of this Empire does not endanger either the safety of their own states and the rights assured them respectively by treaties or the preservation of the European balance.

These separate and secret articles, having the same force and validity as that of today's Convention, will be exchanged at Vienna at the same time as those of the aforementioned Convention.

43 TREATY OF AMITY AND COMMERCE: THE UNITED STATES AND MASQAT

21 September 1833

(Ratifications exchanged, Masqat, 30 September 1835)

[*U. S. Treaty Series*, No. 247]

The ruler of Masqat, who was styled at the time in Arabic the *Hami* or Protector of Masqat and its Dependencies but is labeled "Sultan" in the present instrument, invited the United States in 1832 to conclude a commercial treaty in a letter "directed to the [American] President, and forwarded by one of... [the American] vessels lately trading in these seas." The United States still regards its capitulation with Masqat—the shaykhdom's first treaty of this class with a Western power—as valid, although the provisions for extraterritorial jurisdiction are not exercised. The agreement itself was drawn up in Arabic and English. E. Roberts, *Embassy to the Eastern Courts of Cochin-China, Siam, and Muscat*, chap. 23; H. Miller, *Treaties*, vol. 3, pp. 789–810 (cf. pp. 799–801 for fresh translation of Arabic text by C. Snouck Hurgronje, with comments on differences between the Arabic and English official texts); R. Said-Ruete, *Said bin Sultan (1791–1856), Ruler of Oman and Zanzibar*, pp. 122–29; W. S. W. Ruschenberger, *Narrative of a Voyage Round the World*, vol. 1, chap. 9; R. Sanger, *The Arabian Peninsula*, chap. 14.

ART. 1. There shall be a perpetual Peace between the United States of America and Seyed Syeed bin Sultan and his dependencies.

2. The Citizens of the United States shall have free liberty to enter all the Ports of His Majesty Seyed Syeed bin Sultan, with their Cargoes of whatever kind the said cargoes may consist, & they shall have the liberty to sell the same, to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the Kingdom, or other articles that may be found there—no price shall be fixed by the Sultan or his Officers on the articles to be sold by the Merchants of the United States, or the merchandize they may wish to purchase—but the trade shall be free on both sides, to sell, or buy, or exchange on the terms, & for the prices the owners may think fit—and whenever the said Citizens of the United States may think fit to depart they shall be at liberty so to do—and if any Officer of the Sultan shall contravene this Article, he shall be severely punished. It is understood & agreed however, that the articles of Muskets, Powder and Ball can only be sold to the Government in the Island of Zanzibar—but in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever to the highest bidder.

3. Vessels of the United States entering any port within the Sultan's dominions, shall pay no more than Five per centum Duties on the Cargo landed; and this shall be in full consideration of all import & export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever. Nor shall any charge be paid on that part of the cargo which may remain on board unsold, & re-exported—nor shall any charge whatever be paid on any vessel of the United States which may enter any of the Ports of His Majesty for the purpose of re-fitting, or for refreshments, or to enquire the state of the market.

4. The American Citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favored shall pay.

5. If any vessel of the United States shall suffer Shipwreck on any part of the Sultan's Dominions, the persons escaping from the wreck shall be taken care of and hospitably entertain'd at the expense of the Sultan, until they shall find an opportunity to be return'd to their country—for the Sultan can never receive any remuneration whatever for rendering succour to the distress'd—and the property saved from such wreck, shall be carefully preserv'd and de-

livered to the owner, or the Consul of the United States, or to any authorized Agent.

6. The Citizens of the United States resorting to the Ports of the Sultan for the purpose of trade, shall have leave to land, & reside in the said Ports, without paying any tax or imposition whatever for such liberty, other than the General Duties on Imports which the most favored nation shall pay.

7. If any citizens of the United States, or their vessels, or other property shall be taken by Pirates, and brought within the Dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner if he is present, or to the American Consul, or to any authorized agent.

8. Vessels belonging to the subjects of the Sultan which may resort to any port in the United States, shall pay no other or higher rate of Duties, or other charges, than the nation the most favored shall pay.

9. The President of the United States may appoint Consuls to reside in the Ports of the Sultan where the principal commerce shall be carried on; which Consuls shall be the exclusive judges of all disputes or suits wherein American Citizens shall be engaged with each other. They shall have power to receive the property of any American Citizen dying within the Kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized.

Nor shall any of their household be arrested, but their persons, and property, & their houses, shall be inviolate—Should any Consul however, commit any offence against the laws of the Kingdom, complaint shall be made to the President who will immediately displace him.

44. OTTOMAN *FERMAN* PERMITTING NAVIGATION OF THE EUPHRATES RIVER BY BRITISH STEAM VESSELS

29 December 1834

[C. U. Aitchison, comp., *Collection of Treaties* (1909, 4th ed.), vol. 13, pp. 16–17]

British interest in establishing shorter routes to India, aroused by the Napoleonic wars, was further stimulated after 1825 by the prospect of utilizing steam vessels in such ventures. Parliament authorized in August 1834 the expenditure of £20,000 to finance an exploratory expedition to the Euphrates River and named Colonel (later General) Francis Rawdon Chesney, who had conducted a preliminary survey in 1830–31, as head of the mission, for which the following *ferman* (decree) was procured. The *ferman* later served as the enabling act of a British firm—known after 1860 as the Euphrates and Tigris Steam Navigation Company—which gradually developed a virtual monopoly of steam navigation on the twin rivers. H. L. Hoskins, *British Routes to India,* chaps. 6–7, 17; S. H. Longrigg, *Four Centuries of Modern Iraq,* chaps. 10–11; Sir A. T. Wilson, *Persian Gulf,* chap. 16; F. R. Chesney, *Narrative of the Euphrates Expedition* (1835–37), 2 vols.

To their Excellencies the Viziers, Pashas of three tails, to the illustrious Miri Mirans, Pashas of two tails, to the learned Judges, to the Wainadas, Captains of Ports, and other Magistrates of places situated on both banks of the Euphrates, health.

On receiving the imperial command, you will know as follows:—The Ambassador Extraordinary and Plenipotentiary of Great Britain at Constantinople, Lord Ponsonby, one of the most illustrious personages among the Christian nations, has presented at our Sublime Porte an offrcial note, by which he intimates that the British Government requires permission to cause to navigate by turns two steam boats on the river Euphrates which flows at a small distance from the city of Bagdad, for the purpose of facilitating commerce.

We in consequence issued to our very illustrious governor of Bagdad and Bussora, Ali Reza Pasha, an order to furnish our Sublime Porte with information of the proposed navigation.

Although the answer of the Pasha had

not arrived, the Ambassador made representations on this point, informing our Sublime Porte the British Government awaited our reply.

For this reason we have and do permit two steam boats to navigate the Euphrates by turns, and this navigation is to continue as long as, conformably to what has been represented to us, it may prove useful to the two powers, and no inconvenience result therefrom, and it is to this purpose that an official rule has been transmitted to the British Ambassador.

A firman couched in the same terms has been addressed to the Pasha of Bagdad and Bussora.

45. COMMERCIAL CONVENTION (BALTA LIMAN): BRITAIN AND THE OTTOMAN EMPIRE
16 August 1838

[Great Britain, *Parliamentary Papers, 1839,* vol. 50, pp. 291–95]

The United Kingdom, during the Napoleonic wars, moved into first place—and remained there for a full century—in the external trade of the Ottoman Empire, which became Britain's third best customer by 1850. In approving the liberal terms of the 1838 commercial convention, Sultan Mahmud II in all likelihood was motivated chiefly by the desire to subdue, with British support, his rebellious vassal, Mehmed 'Ali Paşa of Egypt. The convention provided the pattern for similar agreements concluded with the Sublime Porte by France (25 November 1838) and the Netherlands (31 March 1840) and led to the destruction of Mehmed 'Ali's commercial monopolies immediately following the Egyptian settlement of 1841. H. Temperley, *England and the Near East,* pp. 31–39, 406–08; Sir C. Webster, *The Foreign Policy of Palmerston 1830–1841,* vol. 2, pp. 548–57; F. E. Bailey, *British Policy and the Turkish Reform Movement,* chap. 3, especially pp. 120 ff.; V. J. Puryear, *International Economics and Diplomacy in the Near East,* chaps. 3–4; G. Robinson, *David Urquhart,* chap. 2; *British and Foreign State Papers,* vol. 34, pp. 280–415 (correspondence).

ART. 1. All rights, privileges, and immunities which have been conferred on the subjects or ships of Great Britain by the existing Capitulations and Treaties, are confirmed now and for ever, except in as far as they may be specifically altered by the present Convention: and it is moreover expressly stipulated, that all rights, privileges, or immunities which the Sublime Porte now grants, or may hereafter grant, to the ships and subjects of any other foreign Power, or which may suffer the ships and subjects of any other foreign Power to enjoy, shall be equally granted to, and exercised and enjoyed by, the subjects and ships of Great Britain.

ART. II. The subjects of Her Britannic Majesty, or their agents, shall be permitted to purchase at all places in the Ottoman Dominions (whether for the purposes of internal trade or exportation) all articles, without any exception whatsoever, the produce, growth, or manufacture of the said Dominions; and the Sublime Porte formally engages to abolish all monopolies of agricultural produce, or of any other articles whatsoever, as well as all *Permits* from the local Governors, either for the purchase of any article, or for its removal from one place to another when purchased; and any attempt to compel the subjects of Her Britannic Majesty to receive such *Permits* from the local Governors, shall be considered as an infraction of Treaties, and the Sublime Porte shall immediately punish with severity any Vizirs and other officers who shall have been guilty of such misconduct, and render full justice to British subjects for all injuries or losses which they may duly prove themselves to have suffered.

ART. III. If any article of Turkish produce, growth, or manufacture, be purchased by the British merchant or his agent, for the purpose of selling the same for internal consumption in Turkey, the British merchant or his agent shall pay, at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are

paid, in similar circumstances, by the most favoured class of Turkish subjects engaged in the internal trade of Turkey, whether Mussulmans or Rayahs.

ART. IV. If any article of Turkish produce, growth, or manufacture, be purchased for exportation, the same shall be conveyed by the British merchant or his agent, free of any kind of charge or duty whatsoever, to a convenient place of shipment, on its entry into which it shall be liable to one fixed duty of nine per cent. *ad valorem*, in lieu of all other interior duties.

Subsequently, on exportation, the duty of three per cent., as established and existing at present, shall be paid. But all articles bought in the shipping ports for exportation, and which have already paid the interior duty at entering into the same, will only pay the three per cent. export duty.

ART. V. The regulations under which Firmans are issued to British merchant vessels for passing the Dardanelles and the Bosphorus, shall be so framed as to occasion to such vessels the least possible delay.

ART. VI. It is agreed by the Turkish Government, that the regulations established in the present Convention, shall be general throughout the Turkish Empire, whether in Turkey in Europe or Turkey in Asia, in Egypt, or other African possessions belonging to the Sublime Porte, and shall be applicable to all the subjects, whatever their description, of the Ottoman Dominions: and the Turkish Government also agrees not to object to other foreign Powers settling their trade upon the basis of this present Convention.

ART. VII. It having been the custom of Great Britain and the Sublime Porte, with a view to prevent all difficulties and delay in estimating the value of articles imported into the Turkish Dominions, or exported therefrom, by British subjects, to appoint, at intervals of fourteen years, a Commission of men well acquainted with the traffic of both countries, who have fixed by a tariff the sum of money in the coin of the Grand Signior, which should be paid as duty on each article; and the term of fourteen years, during which the last adjustment of the said tariff was to remain in force, having expired, the High Contracting Parties have agreed to name conjointly fresh Commissioners to fix and determine the amount in money which is to be paid by British subjects, as the duty of three per cent upon the value of all commodities imported and exported by them; and the said Commissioners shall establish an equitable arrangement for estimating the interior duties which, by the present Treaty, are established on Turkish goods to be exported, and shall also determine on the places of shipment where it may be most convenient that such duties should be levied.

The new tariff thus established, to be in force for seven years after it has been fixed, at the end of which time it shall be in the power of either of the parties to demand a revision of that tariff; but if no such demand be made on either side, within the six months after the end of the first seven years, then the tariff shall remain in force for seven years more, reckoned from the end of the preceding seven years; and so it shall be at the end of each successive period of seven years.

46. BRITISH POLICY TOWARD THE OTTOMAN EMPIRE, FOREIGN MINISTER PALMERSTON TO HER MAJESTY'S AMBASSADOR AT VIENNA
28 June 1839

[Great Britain, *Parliamentary Papers, 1841,* vol. 29, pp. 117–19]

Profound fear of Russian designs on the straits and of French support of Mehmed 'Ali in Egypt initiated Palmerston in Eastern affairs in the years immediately following Hünkâr Iskelesi (Doc. 40). In response to the dual challenge to British imperial communications, the Foreign Minister launched his government's policy—which persisted for more than forty years—of internationalizing the Eastern Question by making the European powers re-

sponsible for preserving the territorial integrity and political independence of the Ottoman Empire. Palmerston's instruction to Viscount Beauvale, shortly after the outbreak of the second Syrian war between the sultan and his recalcitrant paşa in Egypt, defines concisely the British position at the time and foreshadowed the terms of the final settlement of the Egyptian question two years later. H. Temperley, *England and the Near East,* chaps. 3–5; Sir C. Webster, *The Foreign Policy of Palmerston 1830–1841,* vol. 2, chaps. 7–8; É. Driault, *L'Égypte et l'Europe, la crise* [*orientale*] *de 1839–1841,* 5 vols. (documents); P. E. Mosely, *Russian Diplomacy and the Opening of the Eastern Question in 1838 and 1839;* F. S. Rodkey, *The Turco-Egyptian Question in the Relations of England, France, and Russia, 1832–1841,* chaps. 3–6; M. Sabry, *L'Empire égyptien sous Mohamed-Ali et la question d'orient,* chaps. 10–12; A. Hasenclever, *Die orientalische Frage in den Jahren 1838–1841;* H. H. Dodwell, *The Founder of Modern Egypt,* chaps. 6–7; H. L. Hoskins, *British Routes to India,* chap. 11.

The general view which Her Majesty's Government, as at present informed, entertain of the affair in question, may be stated as follows:

The Great Powers are justified in interfering in these matters, which are, in fact, a contest between a sovereign and his subject, because this contest threatens to produce great and imminent danger to the deepest interests of other Powers, and to the general peace of Europe. Those interests and that peace require the maintenance of the Turkish Empire; and the maintenance of the Turkish Empire is, therefore, the primary object to be aimed at. This object cannot be secured without putting an end to future chances of collision between the Sultan and Mehemet Ali. But as long as Mehemet Ali continues to occupy Syria, there will be danger of such collision. Mehemet Ali cannot hold Syria without a large military force constantly stationed there. As long as there is an Egyptian force in Syria, there must necessarily be a Turkish army in that part of Asia Minor which borders on Syria. Each party might agree at present to reduce those forces to a given amount, but neither could be sure that the other was not, after a time, secretly increasing his amount of force; and each party would, beyond a doubt, gradually augment his own force; and thus, at no distant period, the same state of things which has existed of late, would again recur: for the motives and passions which have led to it would still be in action. Mehemet Ali, or Ibrahim, would still desire to add more territory to their Pashalics; the Sultan would still burn to drive them back into Egypt.

It appears then to Her Majesty's Government, that there can be no end to the danger with which these affairs menace the peace of Europe, until Mehemet Ali shall have restored Syria to the direct authority of the Sultan; shall have retired into Egypt; and shall have interposed the Desert between his troops and authorities and the troops and authorities of the Sultan. But Mehemet Ali could not be expected to consent to this, unless some equivalent advantage were granted to him; and this equivalent advantage might be hereditary succession in his family to the Pashalic of Egypt: Mehemet Ali and his descendants being secured in the Government of that Province in the same way that a former Pasha of Scutari and his family were so secured; the Pasha continuing to be the vassal of the Porte, paying a reasonable tribute, furnishing a contingent of men, and being bound like any other Pasha by the treaties which his sovereign might make. Such an arrangement would appear to be equitable between the parties, because, on the one hand, it would secure the Sultan against many dangers and inconveniences which arise from the present occupation of Syria by the Pasha; while, on the other hand, it would afford to the Pasha that security as to the future fate of his family, his anxiety about which, he has often declared to be the main cause of his desire to obtain some final and permanent arrangement.

It appears to Her Majesty's Government that if the Five Powers were to agree upon such a plan, and were to propose it to the two parties, with all the authority which belongs to the Great Powers of Europe,

such an arrangement would be carried into effect, and through its means, Europe would be delivered from a great and imminent danger.

47. COLLECTIVE NOTE TO THE SUBLIME PORTE BY THE GREAT POWERS' DIPLOMATIC REPRESENTATIVES
27 July 1839

[Great Britain, *Parliamentary Papers, 1841,* vol. 29, p. 297]

The Ottoman Empire appeared in July 1839 to be moving swiftly toward disaster. Mahmud II died on 1 July without hearing the full details of the defeat that his forces had sustained in their battle against the Egyptian troops. On 7 July the Ottoman admiral handed over to Mehmed 'Ali the sultan's entire fleet. By the month's end fear spread in Europe, particularly England, that the new sultan, sixteen-year-old 'Abdülmecid, might grant the Egyptian Paşa almost all his demands. To forestall such a move, the ambassadors at Istanbul of the five major European powers, on the initiative of the French government, presented to the Sublime Porte the following collective note. But the harmony was destined to be short-lived, for France was then in reality backing the position of Egypt and not that of the Ottoman government. For references, see Doc. 46.

The undersigned have this morning received instructions from their respective Governments, in virtue of which they have the honour to inform the Sublime Porte, that agreement between the Five Powers upon the Eastern question is ensured, and to invite the Porte to suspend any final determination without their concurrence, awaiting the result of the interest which those Powers feel for the Porte.

48. THE HATTI ŞERIF OF GÜLHANE
3 November 1839

[U. S., 46th Cong., spec. sess. (March 1881), Senate, Exec. Documents, vol. 3, No. 3, *The Capitulations,* by E. A. Van Dyck, part 1, pp. 106–08]

The Ottoman Westernization movement, to which Sultan Selim III (1789–1807) had given fillip by employing French and British technicians to help reorganize his army and navy, gathered momentum under Mahmud II (1808–39), particularly after the suppression in 1826 of the *Yeniçeri* or Janissary Corps. Nevertheless Mahmud II's consuming but abortive efforts after 1834 to restrain Mehmed 'Ali distracted the sultan from his program of innovation, except as it affected his army. The *hatt-ı şerif* (noble rescript)—or *hatt-ı hümayun* (imperial rescript), as Turkish historians call it—proclaimed in the *Gülhane* or the sultan's Rose Chamber in the presence of the European diplomatic community, "for the first time associated with Turks in a public ceremony" (H. Temperley, *England and the Near East,* p. 161), was essentially the handiwork of Foreign Minister Reşid Paşa, who sought by this means to wheedle concrete material assistance out of Britain. The explicit promises of 1839—fundamental changes in the conduct of the courts, the assessment and collection of taxes, and the terms of military service for Ottoman subjects—were never wholly executed. Yet the hatt-ı şerif of Gülhane set in motion a series of administrative innovations and, in thus inaugurating the period of the *Tanzimat* or reforms that culminated in the promulgation of a constitution in 1876, represented a landmark in the Ottoman Westernization movement of the nineteenth century. H. Temperley, *England and the Near East,* chaps. 6, 9; É. Engelhardt, *La Turquie et le tanzimat,* 2 vols. (summary of legislative acts); F. E. Bailey, *British Policy and Turkish Reform Movement,* chaps. 4–5; Assad Efendi, *Précis historique de la destruction du corps des janissaires par le sultan Mahmoud en 1826,* trans. from Turkish by A. P. Caussin de Perceval; M. A. Ubicini, *Letters on Turkey* (trans. from French by Lady Easthope), vol. 1, pp. 27–50.

All the world knows that in the first days of the Ottoman monarchy, the glorious precepts of the Koran and the laws of the empire were always honored.

The empire in consequence increased in strength and greatness, and all its subjects, without exception, had risen in the highest degree to ease and prosperity. In the last one hundred and fifty years a succession of accidents and divers causes have arisen which have brought about a disregard for the sacred code of laws and the regulations flowing therefrom, and the former strength and prosperity have changed into weakness and poverty; an empire in fact loses all its stability so soon as it ceases to observe its laws.

These considerations are ever present to our mind, and ever since the day of our advent to the throne the thought of the public weal, of the improvement of the state of the provinces, and of relief to the [subject] peoples, has not ceased to engage it. If, therefore, the geographical position of the Ottoman provinces, the fertility of the soil, the aptitude and intelligence of the inhabitants, are considered, the conviction will remain that by striving to find efficacious means, the result, which by the help of God we hope to attain, can be obtained within a few years. Full of confidence, therefore, in the help of the Most High, and certain of the support of our Prophet, we deem it right to seek by new institutions to give to the provinces composing the Ottoman Empire the benefit of a good administration.

These institutions must be principally carried out under three heads, which are:

1. The guarantees insuring to our subjects perfect security for life, honor, and fortune.

2. A regular system of assessing and levying taxes.

3. An equally regular system for the levying of troops and the duration of their service.

And, in fact, are not life and honor the most precious gifts to mankind? What man, however much his character may be against violence, can prevent himself from having recourse to it, and thereby injure the government and the country, if his life and honor are endangered? If, on the contrary, he enjoys in that respect perfect security, he will not depart from the ways of loyalty, and all his actions will contribute to the good of the government and of his brothers.

If there is an absence of security as to one's fortune, everyone remains insensible to the voice of the Prince and the country; no one interests himself in the progress of public good, absorbed as he is in his own troubles. If, on the contrary, the citizen keeps possession in all confidence of all his goods, then, full of ardor in his affairs, which he seeks to enlarge in order to increase his comforts, he feels daily growing and doubling in his heart not only his love for the Prince and country, but also his devotion to his native land.

These feelings become in him the source of the most praiseworthy actions.

As to the regular and fixed assessment of the taxes, it is very important that it be regulated; for the state which is forced to incur many expenses for the defense of its territory cannot obtain the money necessary for its armies and other services except by means of contributions levied on its subjects. Although, thanks be to God, our empire has for some time past been delivered from the scourge of monopolies, falsely considered in times of war as a source of revenue, a fatal custom still exists, although it can only have disastrous consequences; it is that of venal concessions, known under the name of "Iltizam."

Under that name the civil and financial administration of a locality is delivered over to the passions of a single man; that is to say, sometimes to the iron grasp of the most violent and avaricious passions, for if that contractor is not a good man, he will only look to his own advantage.

It is therefore necessary that henceforth each member of Ottoman society should be taxed for a quota of a fixed tax according to his fortune and means, and that it should be impossible that anything more could be exacted from him. It is also necessary that special laws should fix and limit the expenses of our land and sea forces.

Although, as we have said, the defense of the country is an important matter, and that it is the duty of all the inhabitants to furnish soldiers for that object, it has become necessary to establish laws to regulate

the contingent to be furnished by each locality according to the necessity of the time, and to reduce the term of military service to four or five years. For it is at the same time doing an injustice and giving a mortal blow to agriculture and to industry to take, without consideration to the respective population of the localities, in the one more, in the other less, men than they can furnish; it is also reducing the soldiers to despair and contributing to the depopulation of the country by keeping them all their lives in the service.

In short, without the several laws, the necessity for which has just been described, there can be neither strength, nor riches, nor happiness, nor tranquility for the empire; it must, on the contrary, look for them in the existence of these new laws.

From henceforth, therefore, the cause of every accused person shall be publicly judged, as the divine law requires, after inquiry and examination, and so long as a regular judgment shall not have been pronounced, no one can secretly or publicly put another to death by poison or in any other manner.

No one shall be allowed to attack the honor of any other person whatever.

Each one shall possess his property of every kind, and shall dispose of it in all freedom, without let or hinderance from any person whatever; thus, for example, the innocent heirs of a criminal shall not be deprived of their legal rights, and the property of the criminal shall not be confiscated. These imperial concessions shall extend to all our subjects, of whatever religion or sect they may be; they shall enjoy them without exception. We therefore grant perfect security to the inhabitants of our empire in their lives, their honor, and their fortunes, as they are secured to them by the sacred text of the law.

As for the other points, as they must be settled with the assistance of enlightened opinions, our council of justice (increased by new members as shall be found necessary), to whom shall be joined, on certain days which we shall determine, our ministers and the notabilities of the empire, shall assemble in order to frame laws regulating the security of life and fortune and the assessment of the taxes. Each one in those assemblies shall freely express his ideas and give his advice.

The laws regulating the military service shall be discussed by a military council holding its sittings at the palace of Seraskia. As soon as a law shall be passed, in order to be forever valid, it shall be presented to us; we shall give it our approval, which we will write with our imperial sign-manual.

As the object of these institutions is solely to revivify religion, government, the nation, and the empire, we engage not to do anything which is contrary thereto.

In testimony of our promise we will, after having deposited these presents in the hall containing the glorious mantle of the prophet, in the presence of all the ulemas and the grandees of the empire, make oath thereto in the name of God, and shall afterwards cause the oath to be taken by the ulemas and the grandees of the empire.

After that, those from among the ulemas or the grandees of the empire, or any other persons whatsoever who shall infringe these institutions, shall undergo, without respect of rank, position, and influence, the punishment corresponding to his crime, after having been well authenticated.

A penal code shall be compiled to that effect. As all the public servants of the empire receive a suitable salary, and as the salaries of those whose duties have not up to the present time been sufficiently remunerated are to be fixed, a rigorous law shall be passed against the traffic of favoritism and bribery (richvet), which the Divine law reprobates, and which is one of the principal causes of the decay of the empire.

The above dispositions being a thorough alteration and renewal of ancient customs this imperial rescript shall be published at Constantinople and in all places of our empire, and shall be officially communicated to all the ambassadors of the friendly powers resident at Constantinople, that they may be witnesses to the granting of these institutions, which, should it please God, shall last forever. Wherein may the Most High have us in His holy keeping. May those

who shall commit an act contrary to the present regulations be the object of Divine malediction, and be deprived forever of every kind of [protection] happiness.

49. CONVENTION (LONDON) FOR THE PACIFICATION OF THE LEVANT: AUSTRIA, GREAT BRITAIN, PRUSSIA AND RUSSIA WITH THE OTTOMAN EMPIRE
15 July–17 September 1840

(Ratifications exchanged, London, 17 September 1840)

[Convention and attached instruments signed on 15 July 1840 from Great Britain, *Parliamentary Papers, 1841,* vol. 29, pp. 691–93, 696–98, 700; self-denying protocol signed in London on 17 September 1840 from Thomas Erskine Holland, comp., *The European Concert in the Eastern Question* (Oxford, 1885), p. 97]

An Anglo-Russian rapprochement over the Eastern Question was reached in the last week of December 1839. Tsar Nicholas I agreed to abandon Russia's preferential position, as defined at Hünkâr Iskelesi (Doc. 40), by assenting to Palmerston's condition that the fleets of Russia and the maritime powers should be allowed simultaneous entry into the Sea of Marmara, as an exceptional measure in case of need to defend the integrity of the Ottoman Empire. In return, Palmerston accepted the Russian condition that the powers should act in concert in the Ottoman-Egyptian dispute. The British government did not endorse these arrangements for more than six months and then only after Palmerston had threatened to resign, for with France still giving its blessing to Mehmed 'Ali the action implied the dissolution of the existing Anglo-French alliance. At the meeting of 8 July 1840 when the British Cabinet took the decision in support of Palmerston, Lords Clarendon and Holland formally appended their dissent to the minute communicated to Queen Victoria (text in Sir H. Maxwell, *The Life and Letters of . . . [the] Fourth Earl of Clarendon* (London, 1913), vol. 1, pp. 196–97; and H. Temperley, *England and the Near East,* pp. 486–88). The principal instruments were signed a week later; to these were added a self-denying protocol on 17 September 1840. Sir C. Webster, *The Foreign Policy of Palmerston 1830–1841,* vol. 2, pp. 644–94; Temperley, *op. cit.,* pp. 111–16; F. Charles-Roux, *Thiers et Méhémet-Ali,* chaps. 1–3; Maxwell, *op. cit.,* vol. 1, chaps. 7–8; also references to Doc. 52.

1. CONVENTION

ART. 1. His Highness the Sultan having come to an agreement with their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, as to the conditions of the arrangement which it is the intention of His Highness to grant to Mehemet Ali, conditions which are specified in the Separate Act hereunto annexed; Their Majesties engage to act in perfect accord, and to unite their efforts in order to determine Mehemet Ali to conform to that arrangement; each of the High Contracting Parties reserving to itself to co-operate for that purpose, according to the means of action which each may have at its disposal.

ART. 2. If the Pasha of Egypt should refuse to accept the above-mentioned arrangement, which will be communicated to him by the Sultan, with the concurrence of Their aforesaid Majesties; Their Majesties engage to take, at the request of the Sultan, measures concerted and settled between Them, in order to carry that arrangement into effect. In the meanwhile, the Sultan having requested his said Allies to unite with him in order to assist him to cut off the communication by sea between Egypt and Syria, and to prevent the transport of troops, horses, arms, and warlike stores of all kinds, from the one province to the other; Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Emperor of Austria, King of Hungary and Bohemia, engage to give immediately to that effect, the necessary orders to their naval Commanders in the

Mediterranean. Their said Majesties further engage, that the naval Commanders of their squadrons shall, according to the means at their command, afford, in the name of the Alliance, all the support and assistance in their power to those subjects of the Sultan who may manifest their fidelity and allegiance to their Sovereign.

ART. 3. If Mehemet Ali, after having refused to submit to the conditions of the arrangement above-mentioned, should direct his land or sea forces against Constantinople, the High Contracting Parties, upon the express demand of the Sultan, addressed to their Representatives at Constantinople, agree, in such case, to comply with the request of that Sovereign, and to provide for the defence of his throne by means of a co-operation agreed upon by mutual consent, for the purpose of placing the two Straits of the Bosphorus and Dardanelles, as well as the Capital of the Ottoman Empire, in security against all aggression.

It is further agreed, that the forces which, in virtue of such concert, may be sent as aforesaid, shall there remain so employed as long as their presence shall be required by the Sultan; and when His Highness shall deem their presence no longer necessary, the said forces shall simultaneously withdraw, and shall return to the Black Sea and to the Mediterranean, respectively.

ART. 4. It is, however, expressly understood, that the co-operation mentioned in the preceding Article, and destined to place the Straits of the Dardanelles and of the Bosphorus, and the Ottoman Capital, under the temporary safeguard of the High Contracting Parties against all aggression of Mehemet Ali, shall be considered only as a measure of exception adopted at the express demand of the Sultan, and solely for his defence in the single case above-mentioned; but it is agreed, that such measure shall not derogate in any degree from the ancient rule of the Ottoman Empire, in virtue of which it has at all times been prohibited for ships of war of Foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus. And the Sultan, on the one hand, hereby declares that, excepting the contingency above-mentioned, it is his firm resolution to maintain in future this principle invariably established as the ancient rule of his empire; and as long as the Porte is at peace, to admit no foreign ship of war into the Straits of the Bosphorus and of the Dardanelles; on the other hand, their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, engage to respect this determination of the Sultan, and to conform to the above-mentioned principle. . . .

2. SEPARATE ACT

§ 1. His Highness promises to grant to Mehemet Ali, for himself and for his descendants in the direct line, the administration of the Pashalic of Egypt; and His Highness promises, moreover, to grant to Mehemet Ali, for his life, with the title of Pasha of Acre, and with the command of the fortress of St. John of Acre, the administration of the southern part of Syria, the limits of which shall be determined by the following line of demarkation:—

This line, beginning at Cape Ras-el-Nakhora, on the coast of the Mediterranean, shall extend direct from thence as far as the mouth of the river Seisaban, at the northern extremity of the Lake of Tiberias; it shall pass along the Western shore of that Lake, it shall follow the right bank of the river Jordan, and the western shore of the Dead Sea; from thence it shall extend straight to the Red Sea, which it shall strike at the northern point of the Gulf of Akaba, and from thence it shall follow the western shore of the Gulf of Akaba, and the eastern shore of the Gulf of Suez, as far as Suez.

The Sultan, however, in making these offers, attaches thereto the condition, that Mehemet Ali shall accept them within the space of ten days after communication thereof shall have been made to him at Alexandria, by an agent of His Highness; and that Mehemet Ali shall, at the same time, place in the hands of that agent the necessary instructions to the Commanders

of his sea and land forces, to withdraw immediately from Arabia, and from all the Holy Cities which are therein situated; from the Island of Candia; from the district of Adana; and from all other parts of the Ottoman Empire which are not comprised within the limits of Egypt, and within those of the Pashalic of Acre, as above defined.

§ 2. If within the space of ten days, fixed as above, Mehemet Ali should not accept the above-mentioned arrangement, the Sultan will then withdraw the offer of the life administration of the Pashalic of Acre; but His Highness will still consent to grant to Mehemet Ali, for himself and for his descendants in the direct line, the administration of the Pashalic of Egypt, provided such offer be accepted within the space of the ten days next following; that is to say, within a period of twenty days, to be reckoned from the day on which the communication shall have been made to him; and provided that in this case also, he places in the hands of the agent of the Sultan, the necessary instruction to his military and naval Commanders, to withdraw immediately within the limits, and into the ports of the Pashalic of Egypt.

§ 3. The annual tribute to be paid to the Sultan by Mehemet Ali, shall be proportioned to the greater or less amount of territory of which the latter may obtain the administration, according as he accepts the first or the second alternative.

§ 4. It is, moreover, expressly understood, that, in the first as in the second alternative, Mehemet Ali (before the expiration of the specified period of ten or of twenty days), shall be bound to deliver up the Turkish Fleet, with the whole of its crews and equipments, into the hands of the Turkish Agent who shall be charged to receive the same. The Commanders of the Allied Squadrons shall be present at such delivery.

It is understood, that in no case can Mehemet Ali carry to account, or deduct from the tribute to be paid to the Sultan, the expences which he has incurred in the maintenance of the Ottoman Fleet, during any part of the time it shall have remained in the ports of Egypt.

§ 5. All the Treaties, and all the laws of the Ottoman Empire, shall be applicable to Egypt, and to the Pashalic of Acre, such as it has been above defined, in the same manner as to every other part of the Ottoman Empire. But the Sultan consents, that on condition of the regular payment of the tribute above-mentioned, Mehemet Ali and his descendants shall collect, in the name of the Sultan, and as the delegate of His Highness, within the provinces of the administration of which shall be confided to them, the taxes and imposts legally established. It is moreover understood, that in consideration of the receipt of the aforesaid taxes and imposts, Mehemet Ali and his descendants shall defray all the expences of the civil and military administration of the said provinces.

§ 6. The military and naval forces which may be maintained by the Pasha of Egypt and Acre, forming part of the forces of the Ottoman Empire, shall always be considered as maintained for the service of the State.

§ 7. If, at the expiration of the period of twenty days after the communication shall have been made to him (according to the stipulation of § 2), Mehemet Ali shall not accede to the proposed arrangements; and shall not accept the hereditary Pashalic of Egypt, the Sultan will consider himself at liberty to withdraw that offer, and to follow, in consequence, such ulterior course as his own interests, and the counsels of his Allies may suggest to him.

§ 8. The present Separate Act shall have the same force and validity, as if it were inserted, word for word, in the Convention of this date. It shall be ratified, and the ratifications thereof shall be exchanged at London at the same time as those of the said Convention. . . .

3. PROTOCOL

In affixing his signature to the Convention of this date, the Plenipotentiary of the Sublime Ottoman Porte declared:

That in recording by Article IV. of the

said Convention the ancient rule of the Ottoman Empire, by virtue of which, it has been at all times forbidden to Foreign Vessels of War to enter within the Straits of the Dardanelles and of the Bosphorus, the Sublime Porte reserves to itself, as heretofore, to deliver passes to light vessels under Flag of War, which may be employed according to custom, for the service of the correspondence of the Legations of Friendly Powers.

The Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, and Russia, took note of the above Declaration, for the purpose of communicating it to their respective Courts.

4. RESERVED PROTOCOL

The Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, Russia, and Turkey, having, in virtue, of their full powers, concluded and signed this day a Convention between their respective Sovereigns, for the pacification of the Levant;

Considering that, in consequence of the distances which separate the Capitals of their respective Courts, a certain space of time must necessarily elapse before the ratifications of the said Convention can be exchanged, and before orders founded thereupon can be carried into execution;

And the said Plenipotentiaries being deeply impressed with the conviction, that by reason of the present state of things in Syria, the interests of humanity, as well as the grave considerations of European policy which constitute the object of the common solicitude of the Contracting Parties to the Convention of this day, imperiously require that, as far as possible, all delay should be avoided in the accomplishment of the pacification which the said Convention is intended to effect;

The said Plenipotentiaries, in virtue of their full powers, have agreed, that the preliminary measures mentioned in Article II. of the said Convention, shall be carried into execution at once, without waiting for the exchange of the ratifications; the respective Plenipotentiaries recording formally, by the present Instrument, the consent of their Courts to the immediate execution of these measures.

It is moreover agreed between the said Plenipotentiaries, that His Highness the Sultan will proceed immediately to address to Mehemet Ali, the communication and offers specified in the Separate Act annexed to the Convention of this day.

It is further agreed, that the Consular Agents of Great Britain, Austria, Prussia, and Russia, at Alexandria, shall place themselves in communication with the Agent whom His Highness may send thither to communicate to Mehemet Ali the above-mentioned offers; that the said Consuls shall afford to that Agent all the assistance and support in their power; and shall use all their means of influence with Mehemet Ali, in order to persuade him to accept the arrangement which will be proposed to him by order of His Highness the Sultan.

The Admirals of the respective squadrons in the Mediterranean shall be instructed to place themselves in communication with the said Consuls on this subject.

5. SELF-DENYING PROTOCOL

The Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, and Russia, after having exchanged the ratifications of the Convention concluded on the 15th of July last, have resolved, in order to place in its true light the disinterestedness which has guided their Courts in the conclusion of that Act, to declare formally:

That in the execution of the engagements resulting to the Contracting Powers from the above-mentioned Convention, those Powers will seek no augmentation of territory, no exclusive influence, no commercial advantage for their subjects, which those of every other nation may not equally obtain.

The Plenipotentiaries of the Courts above-mentioned have resolved to record this Declaration in the present Protocol.

The Plenipotentiary of the Ottoman Porte, in paying a just tribute to the good faith and disinterested policy of the allied Courts, has taken cognizance of the Declaration contained in the present Protocol, and has undertaken to transmit it to his Court.

50. SULTAN'S *FERMAN* NAMING MEHMED 'ALI GOVERNOR FOR LIFE OF THE SUDANESE PROVINCES

13 February 1841

[*Foreign Relations of the United States, 1879,* p. 1027]

At the time of the negotiation of the London convention of 15 July 1840, Palmerston insisted on the inclusion of the reserved protocol, authorizing the immediate application of the instruments even before the exchange of ratifications. Since Mehmed 'Ali did not accept the proffered arrangements, Austrian and British forces intervened early in September and roundly defeated the Egyptian troops by the year's end, although hostilities continued until 17 January 1841. The Egyptian Paşa finally agreed to evacuate his soldiers from the Ottoman Asian provinces and from Crete and to surrender the Ottoman fleet. Hoping to cut Mehmed 'Ali to size, Sultan 'Abdülmecid, in the flush of victory, issued on 13 February 1841 two *fermans* (decrees), one on Egypt and the other on the Sudan. Mehmed 'Ali objected to the provisions of the initial *ferman* on Egypt, especially to the sultan's retention of the right on each vacancy to select the successor. This decree was replaced on 1 June 1841 by another (see Doc. 51). While the *ferman* on the Sudan was neither withdrawn nor modified, Mehmed 'Ali's successors were confirmed as governors of these provinces as well. J. Cocheris, *Situation internationale de l'Égypte et du Soudan,* chap. 2. See also references Doc. 51.

As is contained in another imperial firman, I have confirmed you in the government of Egypt, with a hereditary tenure thereof, under some conditions and certain limitations. More than that, I have granted to you, without hereditary tenure, the government of the provinces of Nubia, Darfour, Kordofan, and Sennaar, with all their dependencies—that is to say, with all their adjoining regions outside of the limits of Egypt. Guided by the experience and wisdom that distinguish you, you will apply yourself to administer and organize these provinces according to my equitable views, and to provide for the welfare of the inhabitants.

Each year you will transmit to my Sublime Porte the exact list of all the yearly revenues.

From time to time the troops attack the villages of the aforenamed provinces, and the young of both sexes that are taken remain in the hands of the soldiers in payment of their wages.

Not only does the ruin and depopulation of the country result therefrom, but moreover such a state of things is contrary to the holy law of right. This abuse, and that other no less baneful abuse of mutilating men for the guarding of concubine houses, being wholly reprobated by my equitable will, and in complete opposition to the principles of justice and humanity proclaimed since my coming to the throne, you will carefully deliberate as to the means for hindering and repressing in the future acts so culpable.

You will not forget that, with the exception of a few known individuals who went to Egypt with my imperial fleet, I have pardoned without distinction all the officers, soldiers, and other employés that are to be found there.

Although according to my other firman the appointment of your officers above the rank of adjutant must be submitted to my decision, you will send to my Sublime Porte a list of such officers in order that their firmans of confirmation be sent to them. Such is my sovereign will, with which you will hasten to comply.

51. SULTAN'S *FERMAN* TO MEHMED 'ALI, STIPULATING CONDITIONS OF HEREDITARY GOVERNORSHIP OF EGYPT
1 June 1841

[Great Britain, *Parliamentary Papers, 1879,* vol. 78, "Firmans granted by the Sultans to the Viceroys of Egypt, 1841–73," Egypt No. 4 (1879), C. 2395, pp. 36–39]

In three months of negotiations the European powers induced the sultan to modify in favor of Mehmed 'Ali the terms under which he and his heirs were to govern Egypt. The sultan gave up the right to select the successors; nor was the governor-elect required to "proceed in person to Constantinople, there to receive investiture of his office." The Sublime Porte was relieved of responsibility for domestic legislation in the province, and the annual tribute was fixed by a separate *ferman* in May at 80,000 purses or the equivalent of $1,775,600, instead of one fourth the total revenue of the Egyptian government. Although altered in detail by subsequent edicts (see Doc. 79), the *ferman* of 1 June 1841 established the basic pattern of the formal Ottoman-Egyptian relationship until 1914. Sir C. Webster, *The Foreign Policy of Palmerston 1830–1841,* vol. 2, pp. 753–58; H. Temperley, *England and the Near East,* pp. 137–43; L. Bréhier, *L'Égypte de 1798 à 1900,* chap. 4; A. Hasenclever, *Geschichte Ägyptens im 19. Jahrhundert,* 116–39; J. E. Cattaui, *Histoire des rapports de l'Égypte avec la Sublime Porte,* part 2, chaps. 10–11.

The act of submission which thou hast just made, the assurances of fidelity and devotion which thou hast given, and the upright and sincere intentions which thou hast manifested, as well with regard to myself as in the interests of my Sublime Porte, have come to my sovereign knowledge, and have been very agreeable to me.

In consequence, and as the zeal and sagacity by which thou art characterized, as likewise the experience and knowledge which thou hast acquired in the affairs of Egypt during the long space of time that thou hast held the post of Governor of Egypt, give reason to believe that thou hast acquired a title to the favour and to the confidence which I may grant to thee, that is to say, that thou wilt be sensible of their full extent, and all the gratitude which thou shouldst have for them, that thou wilt apply thyself to cause these feelings to descend to thy sons and thy nephews, I grant unto thee the Government of Egypt within its ancient boundaries, such as they are to be found in the map which is sent unto thee by my Grand Vizier now in office, with a seal affixed to it, together with the additional privilege of hereditary succession, and with the following conditions:—

Henceforth, when the post shall be vacant, the Government of Egypt shall descend in a direct line, from the elder to the elder, in the male race among the sons and grandsons. As regards their nomination, that shall be made by my Sublime Porte.

If at any time fate should decide that the male line should become extinct, as in that case it will devolve upon my Sublime Porte to confer the Government of Egypt on another person, the male children, issue of the daughters of the Governors of Egypt, shall possess no right to, no legal capacity for, the succession of the Government.

Although the Pashas of Egypt have obtained the privilege of hereditary succession, they still must be considered, as far as precedency is concerned, to be on a footing of equality with the other Viziers. they shall be treated like the other Viziers of my Sublime Porte, and they shall receive the same titles as are given to the other Viziers when they are written to.

The principles founded on the laws of security of life. of the security of property, and the preservation of honour. principles recorded in the salutary ordinances of my Hatti Sheriff of Gulhané; all the Treaties concluded and to be concluded between my

Sublime Porte and the friendly Powers, shall be completely executed in the Province of Egypt likewise.

In Egypt, all the taxes, all the revenues, shall be levied and collected in my sovereign name; and all the regulations made and to be made by my Sublime Porte shall also be put in practice in Egypt, reconciling them in the best way possible with the local circumstances and with the principles of justice and of equity. Nevertheless, as the Egyptians are likewise the subjects of my Sublime Porte, and in order that they may not one day be oppressed, the tithe, the duties, and the other taxes which are levied there, shall be so, in conformity with the equitable system adopted by my Sublime Porte; and care shall be taken to pay, when the period for payment shall arrive, out of the customs duties, the capitation tax, the tithe, the revenues, and other produce of the Province of Egypt, the annual tribute of which the amount is inserted and defined in another Imperial Firman.

It being customary to send every year from Egypt provisions in kind to the two Holy Cities, the provisions and other articles, whatever they may be, which have up to this time been sent thither, shall continue to be sent to each place separately.

As my Sublime Porte has taken the resolution of improving the coin, which is the soul of the operations of society, and of effecting this in such manner that henceforth there can be no variation either in the alloy, or in the value, I grant permission for money to be coined in Egypt; but the gold and silver monies which I permit thee to coin shall bear my name, and shall resemble in all respects, as regards their determination, value, and form, the monies which are coined here.

In time of peace, 18.000 men will suffice for the internal service of the province of Egypt; it shall not be allowed to increase their numbers. But as the land and sea forces of Egypt are raised for the service of my Sublime Porte, it shall be allowable, in time of war, to increase them to the number which shall be deemed suitable by my Sublime Porte.

The principle has been adopted that the soldiers employed in the other parts of my dominions shall serve for five years, at the end of which term they shall be exchanged for recruits.

That being the case, it would be requisite that the same system should also be observed in Egypt in that respect. But with regard to the duration of the service, the dispositions of the people shall be attended to, observing what is required by equity with regard to them.

Four hundred men shall be sent every year to Constantinople to replace others.

There shall be no difference between the distinguishing marks and the flags of the other troops which shall be employed there, and the distinguishing marks and the flags of the other troops of my Sublime Porte. The officers of the Egyptian navy shall have the same distinguishing marks of ranks, and the Egyptian vessels shall have the same flags as the officers and vessels of this place.

The Governor of Egypt shall appoint the officers of the land and sea forces up to the rank of Colonel. With regard to the appointments to ranks higher than that of Colonel, that is to say, of Pashas *Mirliva* (Brigadier-Generals), and of Pashas Ferik (Generals of Division), it will be absolutely necessary to apply for permission for them, and to take my orders thereupon.

Henceforth the Pashas of Egypt shall not be at liberty to build vessels of war without having first applied for the permission of my Sublime Porte, and having obtained from it a clear and positive authority.

As each of the conditions settled as above is annexed to the privilege of hereditary succession, if a single one of them is not executed, that privilege of hereditary succession shall forthwith be abolished and annulled.

Such being my supreme pleasure on all the points above specified, thou, thy children, and thy descendants, grateful for this exalted sovereign favour, ye shall always be diligent in scrupulously executing the conditions laid down, ye shall take heed not to infringe them, ye shall be careful to ensure the repose and the tranquillity of the

Egyptians by protecting them from all injury and from all oppressions. ye shall report to this place, and ye shall apply for orders on all matters of importance which concern those countries, it being for these purposes that the present Imperial Firman, which is decorated with my sovereign signature, has been written, and is sent to you.

52. CONVENTION (LONDON) REGARDING THE STRAITS: AUSTRIA, FRANCE, GREAT BRITAIN, PRUSSIA, RUSSIA, AND THE OTTOMAN EMPIRE
13 July 1841

[Great Britain, *Parliamentary Papers, 1842,* vol. 45, pp. 350–56]

The end of the Egyptian crisis restored unity among the Big Five in Europe, for France initialed on 15 March 1841 the London Convention of 15 July 1840 (Doc. 49). The new unity found expression in the following convention, establishing a regime for the straits that survived without major change until the outbreak of World War I. The new arrangement disposed at last of the treaty of Hünkâr Iskelesi (Doc. 40) and thus pleased England. Russia for its part was equally satisfied, for the convention laid down that the straits were to be closed to all foreign war vessels. H. Temperley, *England and the Near East,* 144–50; Sir C. Webster, *The Foreign Policy of Palmerston 1830–1841,* vol. 2, pp. 758–76; on the straits regime, P. H. Mischef, *La Mer Noire,* chap. 5; C. Phillipson and N. Buxton, *The Bosphorus,* part 2, chap. 4; S. Goriainow, *Le Bosphore,* chap. 10; J. T. Shotwell and F. Deák, *Turkey at the Straits,* chap. 4.

ART. I. His Highness the Sultan, on the one part, declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has at all times been prohibited for the Ships of War of Foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus; and that, so long as the Porte is at peace, His Highness will admit no foreign Ship of War into the said Straits.

And their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia, and the Emperor of all the Russias, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

ART. II. It is understood that in recording the inviolability of the ancient rule of the Ottoman Empire mentioned in the preceding Article, the Sultan reserves to himself, as in past times, to deliver firmans of passage for light vessels under flag of war, which shall be employed as is usual in the service of the Missions of foreign Powers.

ART. III. His Highness the Sultan reserves to himself to communicate the present Convention to all the Powers with whom the Sublime Porte is in relations of friendship, inviting them to accede thereto.

53. TREATY OF COMMERCE: THE UNITED KINGDOM AND PERSIA
28 October 1841

(Unilaterally abrogated by Persia, 10 May 1928)

[Great Britain, *Parliamentary Papers, 1842,* vol. 45, pp. 357–58]

"What relates to commerce, trade, and other affairs will be drawn up and concluded in a separate commercial Treaty," the negotiators hopefully inserted into the preamble of the 1814 Anglo-Persian alliance (Doc. 34), after the Persians had turned down a British proposal that trade between the two countries should be regulated by the commercial treaty

of 1801 (Doc. 27). Twenty-seven years elapsed before the fresh instrument—"annexed and united . . . to the original Treaty [of 1814]"—was framed, placing British merchants in Persia on the same footing as Russian merchants under the commercial treaty of Turkmanchay (Doc. 38). G. N. Curzon, *Persia and the Persian Question,* vol. 2, chap. 29, part 2; also H. Miller, *Treaties and other International Acts of the U. S.,* vol. 7, pp. 453–82.

ART. I. The merchants of the two mighty States are reciprocally permitted and allowed to carry into each other's territories their goods and manufactures of every description, and to sell or exchange them in any part of their respective countries; and on the goods which they import or export, custom duties shall be levied, that is to say, on entering the country the same amount of custom duties shall be levied, once for all, that is levied on merchandise imported by the merchants of the most favoured European nations; and at the time of going out of the country, the same amount of custom duties which is levied on the merchandise of merchants of the most favoured European nations shall be levied from the merchants, subjects of the High Contracting Parties; and except this, no claim shall be made upon the merchants of the two States in each other's dominions on any pretext or under any denomination; and the merchants or persons connected with or dependent upon the High Contracting Parties in each other's dominions, mutually, shall receive the same aid and support, and the same respect, which are received by the subjects of the most favoured nations.

ART. II. As it is necessary, for the purpose of attending to the affairs of the merchants of the two Parties respectively, that from both Governments Commercial Agents should be appointed to reside in stated places; it is therefore arranged that two Commercial Agents on the part of the British Government shall reside, one in the Capital, and one in Tabreez, and in those places only, and on this condition, that he who shall reside at Tabreez, and he alone, shall be honoured with the privileges of Consul-General; and as for a series of years a Resident of the British Government has resided at Bushire, the Persian Government grants permission that the said Resident shall reside there as heretofore. And, in like manner, two Commercial Agents shall reside on the part of the Persian Government, one in the Capital London, and one in the port of Bombay, and shall enjoy the same rank and privileges which the Commercial Agents of the British Government shall enjoy in Persia.

54. OTTOMAN ACCEPTANCE OF THE GREAT POWERS' PROPOSAL FOR THE ADMINISTRATION OF LEBANON

7 December 1842

[Translated from the French text in Baron I. de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères* (Paris, 1866), vol. 3, pp. 66–68. Serim Efendi, the Ottoman Foreign Minister, addressed identical notes to the chiefs of the diplomatic missions at Istanbul of Austria, France, Great Britain, Prussia, and Russia. The note to the British Ambassador is reproduced here]

The population of Lebanon became progressively more restive in the last year of Egyptian rule, partly because of the efforts by Ibrahim Paşa, Mehmed 'Ali's son and governor-general of Syria, to disarm the district and augment the tax revenue, and partly because of the courtship of the Maronites by France and the Druzes by Britain. Following the defeat and departure of the Egyptians, the European powers also brought to a close the long and harsh rule over Lebanon by Amir Bashir al-Shihabi (1788–1840). With the return of the province to Ottoman control, the Sublime Porte seemed determined to re-establish its uncontested authority and in Lebanon played the Druzes off against the Maronites, so that friction between the two grew alarming. Stratford Canning, the British Ambassa-

dor at Istanbul, as early as March 1842 drafted the initial proposal out of which developed the scheme—endorsed by all the Great Powers—of autonomous administration for the two communities. The tardy and reluctant acceptance of the measure by the Sublime Porte in December 1842 attested to the sustained interest of the European governments in the internal affairs of the sultan's Asian provinces. H. Temperley, *England and the Near East,* chap. 7; M. Jouplain, *La Question du Liban,* 247–353; for contemporary account, see C. H. Churchill, *The Druzes and the Maronites under Turkish Rule,* chaps. 1–3.

I read with care the translation of the instruction of 23 November [1842] to Mr. Pisani, the first interpreter of the British Embassy, a copy of which was given me by him.

Your Excellency expresses in the instruction the desire to confer with me jointly with your colleagues to inform me in full of the inclinations of the Great Powers on the question of Lebanon.

I myself wish to have a meeting with you to let you know as promptly as possible my intentions on the subject. I therefore hastened to apprise the Ministry of His Highness [the Sultan] of the views expressed by the Great Powers on the said question, of which I was informed by the explanations and observations given me in the conferences that I have previously had the honor to hold with Your Excellency and the Barons de Bourqueney [of France] and von Klezl [of Austria] and by the tenor of the notes that I have received on the subject from Their Excellencies Mr. Butenev [of Russia] and Mr. Wagner [of Prussia].

At a ministerial meeting on the question, attended by the *Serasker Paşa* (Commander-in-Chief, in this case, of Syria), the latter persistently limited himself to the communications and observations that he has incessantly presented to the Sublime Porte. Mustafa Paşa (*Serasker* of Syria until October 1842) declared that he was wholly convinced that the measure adopted for the appointment by the *müşür* (commander; in this case, governor) of Sidon of two *kaymakams* (deputy-governors), one for the Druzes and one for the Maronites, and previously enacted to insure the unanimously desired tranquillity of the Mountain, would not fulfill the purpose unless the *kaymakams* were chosen from among foreigners. But at the same time he stressed that this tranquillity would not be achieved, if the *kaymakams* were chosen from among the Druzes and the Maronites themselves.

The Ottoman minister most strongly regrets to observe that this point of the question has given rise to so much discussion and negotiation in the past year and that his friends and allies the Great Powers have never changed their views on the subject, despite the sound administration that he has succeeded in reestablishing in the Mountain, a claim for which he can produce convincing proof.

Nevertheless, prompted by the sentiments of respect, toward its dearest friends and allies the five Great Powers, by which it has constantly been animated, the Sublime Porte in the search for a solution of so delicate a question that is simultaneously a matter of domestic jurisdiction prefers to conform itself to their wishes rather than oppose them.

It is clear, however, that since the object of the Sublime Porte and that of the Great Powers are identical—the reestablishment of law and order in the Mountain—the system proposed for adoption by the two parties ought to have been considered in the first place as an experiment.

If this result could be obtained by means of the [proposed] system, the Sublime Porte would accomplish its wish and could hardly fail to be grateful. But if tranquillity cannot be reestablished in Syria, as [the Ottoman Government] has reason to fear on the basis of information that has accumulated, the objections previously raised by the Sublime Porte would clearly have been justified and the government of His Highness [the Sultan] would be acknowledged by everyone to have been right.

Therefore the Sublime Porte, desirous of conforming to the friendly advice proffered by its friends, has decided to issue to Es'ad Paşa (the new *Serasker* of Syria)

an order to select and appoint two *kaymakams,* one for the Druzes and the other for the Maronites, from among the natives other than those belonging to the Shihabi family, in conformity with the measure already approved by the Great Powers, for the administration of the different classes of subjects who inhabit Mount Lebanon, placed under his jurisdiction. Simultaneously [the Sublime Porte] has urged [Es'ad Paşa] to devote his full efforts to the maintenance of tranquillity in Syria.

The decision of the Ottoman Ministry has also received the imperial sanction of His Highness, and I believe it is my duty to inform Your Excellency that this question has been resolved without [need for] further negotiations.

55. TREATY OF FRIENDSHIP: BRITAIN AND THE SULTAN OF LAHIJ
11 February 1843

[C. U. Aitchison, comp., *Collection of Treaties,* (1933, 5th ed.), vol. 11, pp. 58–60]

The British first entered into political relations with the shaykhs of the Aden area in 1799, as a defensive measure against possible French attempts to reach the Indian Ocean via the Red Sea. On 6 September 1802 the East India Company concluded a commercial treaty (text in Aitchison, *op. cit.,* pp. 53–56) with the Sultan of Lahij who controlled the port of Aden. When the company was preparing to launch a monthly steam service to Egypt in 1837, the British for the first time sought permanent possession of the site as a coaling station. Its value to the United Kingdom was enhanced by strategic considerations, for Foreign Minister Palmerston seemed somewhat disturbed by the presence of Egyptian troops in the immediate hinterland. Efforts to purchase the port from Sultan Muhsin proved fruitless, so that ultimately on 19 January 1839 two British armed vessels forcibly occupied the small peninsula. Despite two treaties of 2 and 4 February and a bond of 18 June 1839, signed by the sultan or his agent and acknowledging British possession of Aden in return for an annual subsidy of 6,500 dollars (*ibid.,* pp. 56–58), the Arab chieftain tried several times to recapture the port. Not until 11 February 1843 did Sultan Muhsin finally acquiesce in British control of Aden. The adjacent territory of Shaykh 'Uthman, which later formed part of the Crown Colony of Aden, was purchased from the Sultan of Lahij by India in the name of the British Government on 7 February 1882 (text of agreement, *ibid.,* pp. 70–72). H. L. Hoskins, *British Routes to India,* chap. 8 and "Background of the British Position in Arabia," *Middle East Journal,* 1 (1947), 137–47; F. M. Hunter, *An Account of the British Settlement of Aden in Arabia,* part 5; H. H. Dodwell, *Founder of Modern Egypt,* pp. 145–51; Sir B. Reilly, "Aden and Its Links with India," *Asian Review,* new ser. 37 (1941), 65–80; M. E. S. Laws, "The Capture of Aden," *Army Quarterly* (London), 38 (1939), 345–48; R. R. Robbins, "The Legal Status of Aden Colony and the Aden Protectorate," *American Journal of International Law,* 33 (October 1939), 700–15; H. F. Jacob, *Kings of Arabia,* chaps. 2–3; C. R. Low, *History of the Indian Navy,* vol. 2, chap. 3; F. Apelt, *Aden, eine kolonialgeographische und kolonialpolitische Studie,* chap. 8.

ART. 1. In consideration of the respect due to the British Government, Sultan Muhsin Fadhl agrees to restore the lands and property of all kinds belonging to the late Hassan Abdoolah Khateeb, Agent to the British at Lahej, after such property shall be proven. But the Sultan Muhsin expects in return that certain revenue and territorial books styled Deiras, said to be in the possession of the Khateeb family, should be restored to the government of Lahej, and then their persons shall be safe should they wish to go inland.

ART. 2. The Sultan will, on the same consideration, and has, in the presence of witnesses, settled all claims made by Shumaiel, the Jew, and he will also attend to all claims that may be brought against him during his fifteen days' residence in Aden.

ART. 3. Such transit duties as shall be hereafter specified shall be exacted by the Sultan, who binds himself not to exceed them. The Sultan will also, by every means

in his power, facilitate the intercourse of merchants, and he shall in return be empowered to levy a moderate export duty.

ART. 4. The Sultan engages to permit British subjects to visit Lahej for commercial purposes and to protect them, allowing toleration of religion with the exception of burning the dead.

ART. 5. Should any British subject become amenable to the law, he is to be made over to the authorities at Aden; and in like manner are the subjects of the Sultan to be made over to his jurisdiction.

ART. 6. The bridge at Khor Maksar is English property, and as such shall be kept in order by them; but should it be proved that it is destroyed by the followers of the Sultan, he shall repair it.

ART. 7. The Sultan binds himself, as far as he can, to keep the roads clear of plundering parties and to protect all merchandize passing through his territories.

ART. 8. British subjects may, with the permission of the Sultan, hold in tenure land at Lahej, subject to the laws of the country; and in like manner may the ryots of the Sultan hold property in Aden subject to the British laws.

ART. 9. Such articles as the Sultan may require for his own family shall pass Aden free of duty; and in like manner all presents and all government property shall pass the territories of the Sultan free from transit duty.

ART. 10. With regard to the stipend of the Sultan, it entirely rests with Captain Haines and the British Government. The Sultan considers the British his true friends; and likewise the British look upon the Sultan of Lahej as their friend.

56. TREATY OF COMMERCE: FRANCE AND MASQAT

17 November 1844

(Ratifications exchanged 4 February 1846)

[C. U. Aitchison, comp., *Collection of Treaties*, (1933, 5th ed.), vol. 11, app. II, pp. xxix–xxxiv]

Britain concluded on 31 May 1839 its capitulation with Masqat (text in Aitchison, *op. cit.*, pp. 292–99), whose shaykh—variously styled Hami (Protector), Imam, and Sultan—also ruled over the island of Zanzibar. But Masqat never became as dependent on Britain as did the neighboring principalities. This was confirmed by the Masqati treaty with the United States (Doc. 43) and the following capitulation with France. The commercial agreement of 1844, of which the Arabic text was regarded as binding, accorded France inclusive extraterritorial rights and most favored nation treatment. A comparable treaty was concluded with the Netherlands on 7 April/27 August 1877 (*ibid.*, app. IV, pp. xxxix–xl). H. J. Liebesny, "International Relations of Arabia," *Middle East Journal*, 1 (1947), 148–68; for British views, see Sir A. T. Wilson, *The Persian Gulf*, chap. 15; G. N. Curzon, *Persia*, vol. 2, pp. 433–46; R. Said-Ruete, *Said bin Sultan*, pp. 93–111.

ART. 1. There shall always be good understanding and friendship between the King of the French, his heirs and successors, and His Highness Syud Sueed bin Sultan, the Sultan of Maskat, his heirs and successors, as also between their respective subjects.

ART. 2. The subjects of Syud Sueed bin Sultan, the Sultan of Maskat, shall be at liberty to enter, reside in, trade with, and pass with their merchandize through France; and the French shall, in like manner, have similar liberty with regard to the territories of Syud Sueed bin Sultan, the Sultan of Maskat. The subjects of both the Governments shall have all the privileges which are or may be conceded by the respective Governments to the subjects of the most favoured nations.

ART. 3. The French shall be at liberty to purchase, sell or rent land, houses or warehouses, in the dominions of Syud Sueed bin Sultan, the Sultan of Maskat. The houses, warehouses, or other premises occupied by the French, or by persons in their service, shall not be forcibly entered

without the permission of the French Consul. They shall not be prevented from leaving the dominions of Syud Sueed bin Sultan whenever they wish to do so.

ART. 4. The subjects of Syud Sueed bin Sultan, the Sultan of Maskat, actually in the service of the French, shall enjoy the same privileges which are granted to the French themselves; but if such subjects of His Highness shall be convicted of any crime or infraction of the law, they shall be discharged by the French, and delivered over to the authorities of the place.

ART. 5. The two high contracting parties acknowledge reciprocally the right of appointing Consuls to reside in each other's dominions, wherever the interests of commerce may require the presence of such officers; and such Consuls shall at all times be placed in the country in which they reside on the footing of the Consuls of the most favoured nations. Each of the high contracting parties further agrees to permit his own subjects to be appointed to Consular offices by the other contracting party, provided always that the persons so appointed shall not begin to act without the previous approbation of the sovereign whose subjects they may be. The public functionaries of either Government, residing in the dominions of the other, shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries. The French Consul shall be at liberty to hoist the French flag over his house.

ART. 6. The authorities of the Sultan of Maskat shall not interfere in disputes between the French, or between the French and the subjects of other Christian nations. When differences arise between a subject of the Sultan of Maskat and a Frenchman, if the former be the complainant, the cause shall be heard by the French Consul; but if a Frenchman be the complainant against any of the subjects of the Sultan at Maskat, or against any Mahomedans, then the cause shall be decided by the authorities of the Sultan of Maskat, or by his deputy: but in such case the cause shall not be decided, except in the presence of the French Consul, or his deputy, who shall attend at the Court. In causes between a Frenchman and a subject of the Sultan of Maskat the evidence of a man proved to have given false testimony on a former occasion shall not be received. A cause to be decided by the French Consul shall be tried in the presence of the Sultan of Maskat, or a person acting for him.

ART. 7. The property of a French subject who may die in any part of the dominions of the Sultan of Maskat, or of a subject of the Sultan of Maskat who may die in any part of the French dominions, shall be delivered over to the executor or administrator of the deceased, or, in default of such executor or administrator, to the respective Consuls of the contracting parties.

ART. 8. If a Frenchman shall become bankrupt in the dominions of the Sultan of Maskat, the French Consul shall take possession of all the property of such bankrupt, and shall give it up to the creditors of the bankrupt to be divided among them. This having been done, the bankrupt shall be entitled to a full discharge from his creditors, and he shall not at any time afterwards be required to make up the deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the French Consul shall use his endeavours to obtain for the benefit of the creditors all the property of the bankrupt. It shall also be incumbent upon the Consul to ascertain that everything possessed by the bankrupt at the time when he became insolvent has been given up.

ART. 9. If a subject of the Sultan of Maskat owes a debt to a Frenchman, the Sultan or his deputies shall urge the former to pay the claim of the latter. In like manner, the French Consul shall enjoin a Frenchman to pay a debt due by him to a subject of the Sultan of Maskat.

ART. 10. No duty exceeding five per cent. shall be levied on goods imported by French vessels into the dominions of Syud Sueed bin Sultan, the Sultan of Maskat. If a vessel of other nations imports any goods into the territories of the Sultan of Maskat, and pays less duty than five per cent., the same duty only shall be levied on similar goods

imported by a French vessel into the said territories. A French vessel after she has paid the duty of five per cent., shall not be subject to any other charges, such as anchorage, pilotages, etc., nor shall any charge be made on that part of the cargo which may remain on board a French vessel; but if the vessel shall go to another part of the dominions of the Sultan of Maskat, duty shall be levied at five per cent. The above-mentioned duty having once been paid, the goods may be sold, by wholesale or retail, without paying any further duty. No charge whatever shall be made on French vessels which may enter any of the ports of the Sultan of Maskat for the purpose of refitting, or for refreshments, or to inquire about the state of the market; and they shall enjoy the same privileges which are enjoyed (by the vessels) of the most favoured nations.

ART. 11. No vessel shall be prohibited from importing into, or exporting from, the territories of the Sultan of Maskat any kind of merchandise. The trade shall be perfectly free in the said territories, subject to the above-mentioned duty and to no other. The French shall be at liberty to buy and sell from whomsoever and to whomsoever they chose; but they shall not trade in the articles of ivory and gum copal on that part of the East Coast of Africa from the port of Tongate, situated in 5½ degrees of south latitude, to the port of Culva, lying in 9 degrees south of the equator, both ports inclusive. But if the English or Americans, or any other Christian nation, should carry on this trade, the French shall, in like manner, be at liberty to do so.

ART. 12. If any disputes should arise in the dominions of the Sultan of Maskat as to the value of goods which shall be imported by French merchants, and on which the duty of five per cent. is to be levied, the Custom Master, or other person acting on the part of the Sultan of Maskat, shall, when practicable, receive one-twentieth part of the goods, and the merchant shall then be subject to no further demand on account of customs on the remaining goods in any part of the dominions of the Sultan of Maskat to which he may transport them. But if the Custom Master should object to levy the duty in the manner aforesaid, by taking one-twentieth part of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the Custom Master, and the other by the merchant, who shall make a valuation of the goods; and if they shall differ in opinion, they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

ART. 13. It shall not be lawful for any French merchant to expose his goods for sale for the space of three days after the arrival of such goods, unless the Custom Master and the merchant shall have agreed as to the value of such goods. If the Custom Master shall not within three days have accepted one of the two modes proposed for ascertaining the value of the goods, the authorities on the part of the Sultan of Maskat, on an intimation being made to them on the subject, shall compel the Custom Master to choose one of the two modes for the levy of the duty.

ART. 14. If it shall happen that either the King of the French or the Sultan of Maskat should be at war with another country, the subjects of the King of the French and the subjects of the Sultan of Maskat shall nevertheless be allowed to trade with, and to take to, such country, merchandise of every description, except war-like stores, but they shall not be allowed to enter any port or place actually blockaded or besieged.

ART. 15. Should a vessel under the French flag enter a port in the dominions of the Sultan of Maskat in distress, the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage; and if any such vessel should be wrecked on the coasts of the dominions of the Sultan of Maskat, the authorities on the part of the Sultan of Maskat shall render all the assistance in their power to recover and deliver over to the owner, or the Consul, the property that may be saved from such wreck. The same

assistance and protection shall be afforded to vessels of the dominions of the Sultan of Maskat, and property saved therefrom under similar circumstances, in the ports and on the coasts of the French dominions.

ART. 16. If any person not belonging to the Christian nations shall steal any article from a French vessel, and take it to the dominions of the Sultan of Maskat, it shall be recovered from the robber and delivered over to the Consul.

ART. 17. The French shall be at liberty to hire or erect houses and warehouses at Zanzibar or anywhere else.

ART. 18. Any engagements which may have been entered into previously to this are null and void, and are not to be acted upon or attended to.

57. RUSSIAN (NESSELRODE) MEMORANDUM TO BRITISH GOVERNMENT RECOMMENDING JOINT POLICY TOWARD THE OTTOMAN EMPIRE

3 December 1844

[Great Britain, *Parliamentary Papers, 1854,* vol. 71, part 6]

During a state visit to England in June 1844 Tsar Nicholas I sought to broaden the Austro-Russian alliance of September 1833 (Doc. 42) into a tripartite understanding with Great Britain as the third partner. The tsar was convinced that France was the source of the revolutionary spirit which he felt threatened the established order in Europe. The proposed alliance, based on a common policy toward the Ottoman Empire, was transparently aimed at holding France in check. The Nesselrode Memorandum, submitted on 3 December 1844 to the British government by the Russian diplomatic representative in England, Baron Ernest Philip Brunnow, elaborated upon the Russian version of the projected Anglo-Russian accord on the Ottoman Empire, as clarified in the discussions between the tsar and members of the British Cabinet the preceding June. While avoiding any British pledges, the Foreign Minister, Lord Aberdeen, agreed that the memorandum was an essentially accurate summary of the Anglo-Russian conversations. Tsar Nicholas and his advisers, however, believed that Aberdeen's assent implied "something more binding." The misunderstanding was later to contribute to the outbreak of the Crimean War. H. Temperley, *England and the Near East,* chap. 10; M. T. Florinsky, *Russia,* vol. 2, pp. 844–50; S. Goryainov, "The Secret Agreement of 1844 between Russia and Great Britain," *The Russian Review* (Liverpool, England), 1 (1912), No. 3, 97–115; No. 4, 76–91; V. J. Puryear, *England, Russia, and the Straits Question, 1844–1856,* chaps. 1–4; F. S. Rodkey, "Anglo-Russian Negotiations about a 'Permanent' Quadruple Alliance, 1840–1841," *American Historical Review,* 36 (1930–31), 343–49.

Russia and England are mutually penetrated with the conviction that it is for their common interest that the Ottoman Porte should maintain itself in the state of independence and of territorial possession which at present constitutes that Empire, as that political combination is the one which is most compatible with the general interest of the maintenance of peace.

Being agreed on this principle, Russia and England have an equal interest in uniting their efforts in order to keep up the existence of the Ottoman Empire, and to avert all the dangers which can place in jeopardy its safety.

With this object the essential point is to suffer the Porte to live in repose, without needlessly disturbing it by diplomatic bickerings, and without interfering without absolute necessity in its internal affairs.

In order to carry out skilfully this system of forbearance, with a view to the well-understood interest of the Porte, two things must not be lost sight of. They are these:

In the first place, the Porte has a constant tendency to extricate itself from the engagements imposed upon it by the Treaties which it has concluded with other Powers. It hopes to do so with impunity, because it reckons on the mutual jealousy of the Cabinets. It thinks that if it fails in its engagements towards one of them, the rest will espouse its quarrel, and will screen it from all responsibility.

It is essential not to confirm the Porte in

this delusion. Every time that it fails in its obligations towards one of the Great Powers, it is the interest of all the rest to make it sensible of its error, and seriously to exhort it to act rightly towards the Cabinet which demands just reparation.

As soon as the Porte shall perceive that it is not supported by the other Cabinets, it will give way, and the differences which have arisen will be arranged in a conciliatory manner, without any conflict resulting from them.

There is a second cause of complication which is inherent in the situation of the Porte; it is the difficulty which exists in reconciling the respect due to the sovereign authority of the Sultan, founded on the Mussulman law, with the forbearance required by the interests of the Christian population of that Empire.

This difficulty is real. In the present state of feeling in Europe the Cabinets cannot see with indifference the Christian populations in Turkey exposed to flagrant acts of oppression and religious intolerance.

It is necessary constantly to make the Ottoman Ministers sensible of this truth, and to persuade them that they can only reckon on the friendship and on the support of the Great Powers on the condition that they treat the Christian subjects of the Porte with toleration and with mildness.

While insisting on this truth it will be the duty of the foreign Representatives, on the other hand, to exert all their influence to maintain the Christian subjects of the Porte in submission to the sovereign authority.

It will be the duty of the foreign Representatives, guided by these principles, to act among themselves in a perfect spirit of agreement. If they address remonstrances to the Porte, those remonstrances must bear a real character of unanimity, though divested of one of exclusive dictation.

By persevering in this system with calmness and moderation, the Representatives of the great Cabinets of Europe will have the best chance of succeeding in the steps which they may take, without giving occasion for complications which might affect the tranquillity of the Ottoman Empire. If all the Great Powers frankly adopt this line of conduct, they will have a well-founded expectation of preserving the existence of Turkey.

However, they must not conceal from themselves how many elements of dissolution that Empire contains within itself. Unforeseen circumstances may hasten its fall, without its being in the power of the friendly Cabinets to prevent it.

As it is not given to human foresight to settle beforehand a plan of action for such or such unlooked-for case, it would be premature to discuss eventualities which may never be realized.

In the uncertainty which hovers over the future, a single fundamental idea seems to admit of a really practical application; it is that the danger which may result from a catastrophe in Turkey will be much diminished, if, in the event of its occurring, Russia and England have come to an understanding as to the course to be taken by them in common.

That understanding will be the more beneficial, inasmuch as it will have the full assent of Austria. Between her and Russia there exists already an entire conformity of principles in regard to the affairs of Turkey, in a common interest of conservatism and of peace.

In order to render their union more efficacious, there would remain nothing to be desired but that England should be seen to associate herself thereto with the same view.

The reason which recommends the establishment of this agreement is very simple.

On land Russia exercises in regard to Turkey a preponderant action.

On sea England occupies the same position.

Isolated, the action of these two Powers might do much mischief. United, it can produce a real benefit: thence, the advantage of coming to a previous understanding before having recourse to action.

This notion was in principle agreed upon during the Emperor's last residence in London. The result was the eventual engagement, that if anything unforeseen occurred in Turkey, Russia and England should pre-

viously concert together as to the course which they should pursue in common.

The object for which Russia and England will have to come to an understanding may be expressed in the following manner:

1. To seek to maintain the existence of the Ottoman Empire in its present state, so long as that political combination shall be possible.

2. If we foresee that it must crumble to pieces, to enter into previous concert as to everything relating to the establishment of a new order of things, intended to replace that which now exists, and in conjunction with each other to see that the change which may have occurred in the internal situation of that Empire shall not injuriously affect either the security of their own States and the rights which the Treaties assure to them respectively, or the maintenance of the balance of power in Europe.

For the purpose thus stated, the policy of Russia and of Austria, as we have already said, is closely united by the principle of perfect identity. If England, as the principal Maritime Power, acts in concert with them, it is to be supposed that France will find herself obliged to act in conformity with the course agreed upon between St. Petersburgh, London, and Vienna.

Conflict between the Great Powers being thus obviated, it is to be hoped that the peace of Europe will be maintained even in the midst of such serious circumstances. It is to secure this object of common interest, if the case occurs, that, as the Emperor agreed with Her Britannic Majesty's Ministers during his residence in England, the previous understanding which Russia and England shall establish between themselves must be directed.

58. OTTOMAN CIRCULAR INFORMING THE GREAT POWERS OF CHANGES IN THE ADMINISTRATION OF LEBANON
28 July 1845

[Translated from French text in Baron I. de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères* (Paris, 1866), vol. 3, pp. 68–73]

Despite the institution of autonomy for Maronites and Druzes in Lebanon at the end of 1842 (Doc. 54), relations between the communities continued tense. To this situation the Ottoman officials contributed by their favoritism toward the Druzes, as did the agents of the European powers who by 1844 lost all semblance of harmony and once more intrigued against one another among the local population. In the circumstances, civil strife between the communities became ominous in the spring and summer of 1845, thus giving the Sublime Porte an opportunity for forcible intervention. Şekip Paşa's circular of 28 July was issued six weeks before his actual arrival in Lebanon accompanied by eighteen Ottoman battalions with which he quickly restored order and inaugurated a program of disarming the populace, particularly the Maronites. Autonomy was preserved in form, but in the decade and a half that followed, the powers of the two communities were considerably reduced while those of the Sublime Porte were correspondingly enlarged. See references to Doc. 71.

As is universally known, His Highness the Sultan, in paternal solicitude for his peoples, seeks to find and perfect the means that will ensure the well-being, tranquillity and security of all classes of subjects placed under his equitable authority. He wishes that the inhabitants of Mount Lebanon should also share in these bounties. Tokens of good will and favor of every kind have been bestowed upon them, their ancient privileges have been maintained and the administration of the Mountain has been endowed with its own particular structure. In order that no further cause for disaffection should remain, each village whose population consists of Druzes and Maronites has recently been allowed to have a *vekil* (agent) as well as a *mukataʿaci* (leaseholder or landlord who frequently also served as tax-farmer). The decree has been issued to all [villages concerned] to put the measure promptly into effect.

It would seem that the inhabitants of the Mountain, in appreciation for the favors that His Highness unremittingly bestows upon them, should have shown themselves grateful and, in their quality as subjects, should have hastened to submit to the edicts of the Sublime Porte. But yielding to the rudeness of their character, they hesitated to accept [the edicts] and have made difficulties: some found the favors beneath their expectations and others believed themselves betrayed. Moreover, seizing the enactment of a decision taken to ensure the peace and security of the country as an occasion in which to give vent to their mutual hatred and to carry out their evil designs, they have dared to attack one another and to shed one another's blood. The government of His Highness has not only been shocked to hear of it but has also been surprised by the claim that their deeds were authorized by the Sublime Porte.

However, it is the definite will of the Sublime Porte to establish completely and without delay the administrative structure for mixed villages which is the result and the complement of the previous imperial decisions on the local administration of the Mountain. That is why it has become necessary to take immediate and efficacious steps that will demonstrate to the inhabitants of the Mountain [the Porte's] high solicitude, authority and power that will make its good will and good spirit manifest to the high courts of its allies and that will terminate this question of Lebanon once for all. In view of the past behavior of the inhabitants of the Mountain, it is clear that they will hesitate to accept the bounties and favors bestowed upon them as long as the possibility of using force has not been demonstrated to them. Besides, their hesitation is certain to last until they realize that the decision is immutable and until they are given to understand that whatever further wishes they may still nurture have no chance of realization. The government of His Highness thus believes that the circumstances demand that a man, having full understanding of the true significance of the matter and of the pure intentions of the Sublime Porte, should be dispatched to Lebanon, the seat of the problem, on a special and absolute mission and accompanied by adequate forces to settle and terminate the matter without leaving any cause for further difficulties or complaints. Since the Ministry of Foreign Affairs has for some time been the center of the deliberations and the actions required by this matter, it naturally favors the decision taken here. Accordingly I have the honor to inform Your Excellency that I [Şekip Paşa, Minister of Foreign Affairs] have been charged by His Highness personally to proceed to Syria on a special and absolute mission for the purpose of regulating the matter promptly and completely and demonstrating that no cause for hesitation or friction remains.

The crux of the problem and the goal of my mission are to apply fully and completely the arrangements and the more recent enactments on local administration while preserving the particular privileges granted by His Majesty the Sultan and to succeed in ensuring the peace of the district and the tranquillity of the subjects of the government in all matters. To facilitate its execution, one needs, as I have said above, a demonstrable force which can intimidate and which can effectively be used against those who will have brought this action upon themselves by refusing to accept the above decision. The government hopes that this situation will not arise. But it is essential to increase the effectiveness of the coercive forces stationed in the Mountain, so that the projected goal can be attained. Therefore, Namık Paşa, *müsür* (commander) of the imperial camp in Arabia, has been ordered to augment the regular army under his command by the requisite number of troops, move with them to Lebanon, take up suitable military positions and make the necessary movements dictated by circumstances and by the instructions that I shall give him. If the forceful and efficacious steps which the government proposes to undertake are considered with fairness, it will be seen that the mission which I have received as a member of the ministry of His Highness—to settle this question completely and without hesitation according to

the pure intentions of the government of His Highness—will hasten the moment of solution. It will also be seen that the inclusion of Namık Paşa and the deployment of the intimidating force will persuade the inhabitants of the Mountain of the necessity of returning within the bounds of obedience. As for the indemnities, they have been accorded previously to show that His Highness can employ force as benefaction and to prove that the aim of the measures taken by his government has been solely to grant a favor and a token of generosity and simultaneously to display his power to those unwise inhabitants who were ignorant of their true interest. The decision taken today to distribute a portion of these indemnities and at the same time to begin tackling the question itself and to apportion the balance after the matter has been settled provides renewed proof of the equitable intentions of the government of His Highness. The inhabitants of Lebanon will come to understand that the more they conform to the duties of obedience and of their status as subjects, the more they will obtain tokens of good will and of graciousness from His Highness. This consideration together with the steps previously taken must lead to a prompt and final solution of the question. Since the various groups of inhabitants of the Mountain, whenever they are reluctant to accept the orders of the Sublime Porte, find moral support of various forms for their resistance and commit acts that disturb the tranquility of the district; since, whenever decisions taken here are implemented in Syria, the consuls under pretext of renewed negotiations express doubts and thus give rise to difficulties; and since, as is witnessed by the mission that I am personally to fulfill, the present decision shall not be modified in any manner, it is important that the consuls refrain from meddling in any fashion in what I may say and abstain from injecting themselves into the matter, whether in spirit or in form. Convinced as I am that the moral support of Your Excellency in this matter will be forthcoming in conformity with the request of the Sublime Porte, I have the honor to appeal to your solicitude for the execution of all that is necessary.

The hesitation and the delays in effecting the last decision taken on mixed villages, it may be presumed, were caused by inadequate local appreciation of the degree of competence of the *mukata'acis* and of the Maronite *vekils*. In order to avoid all further reason for discussion of this subject in Lebanon, it is necessary to dissipate the uncertainties. Accordingly, I shall now explain and clarify what the intention of the Sublime Porte is in this matter:

In the administration of mixed villages, matters fall into three classes:

1. Questions of law (*hukukiye*).
2. Administrative affairs (*siyasiye*).
3. Executive or police power (*zaptiye*).

As for the first category, every suit or difference between individuals of the same nation shall be judged solely by its *vekil*. If the litigants belong to different nations, the *vekil* of the one and the *mukata'aci* of the other shall jointly judge the case. Recourse will be had to the *kaymakam* (deputy-governor), if they cannot agree. Regarding administrative matters, that is, general affairs such as the execution of orders sent by the government or emanating from the provincial governor and the collection of the taxes of the district, the *vekils* shall serve as intermediaries between their nations and the *mukata'acis* for the execution of orders and the maintenance of defense. As for the executive or police power, the division of which would hinder its exercise, the *vekil* shall not be associated therewith and the task of the maintenance [of law and order] and of reprimand shall be entrusted solely to the *mukata'aci*, as is the practice elsewhere. But if the *mukata'aci* should arrest and imprison a person of another nation in punishment, the deserved penalty shall be endorsed by and executed jointly with the *vekil*. In case of disagreement recourse will be had to the *kaymakam*. The *vekils* shall have the right to see that the imprisoned man suffers no ill treatment until the execution of his punishment has been decreed.

These provisions conform to the principles of justice and equity and to the body

of administrative regulation in the district. To supervise their full and entire execution and to investigate individual crimes, such as cases of murder which occurred from time to time in the Mountain before the latest troubles and the perpetrators of which have escaped punishment because of the regrettable events—these are the goals that the government of His Highness wishes to reach and that are included in the mission entrusted to me. I have the honor to inform Your Excellency that I shall leave in a few days to fulfill my mission. I shall do my utmost to implement the beneficient wishes of His Highness the Sultan, my sovereign. Since the [Great] Powers, sincere friends of and moved by well-known sentiments of good will toward the Sublime Porte are equally anxious to see the organization of tranquillity in the Mountain and since the present decision of the government of His Highness is manifestly an efficacious means for attaining this goal, I have the honor to request Your Excellency to entrust to me unsealed formal instructions, in harmony with the above-mentioned resolutions, that I may forward to your consul in Bayrut.

59. CONVERSATIONS BETWEEN TSAR NICHOLAS I AND SIR GEORGE HAMILTON SEYMOUR, THE BRITISH MINISTER TO RUSSIA

22 January–21 February 1853

[Letters of 22 January and 9 February 1853 from Great Britain, *Parliamentary Papers, 1854,* vol. 71, part 5; letter of 21 February 1853 Public Record Officer, F. O. 65/424, No. 87]

By the time Tsar Nicholas I renewed his overtures to England (see Doc. 57) in January-April 1853, relations between Russia and France were rapidly deteriorating. The repercussions of the contest in the Ottoman Empire centered in the dispute, which grew increasingly serious after February 1852, between the Greek Orthodox Christians (whose interests Russia championed) and the Roman Catholics (whose interests France promoted) over special privileges in the Church of the Holy Sepulcher at Jerusalem and the Church of the Nativity at Bethlehem. Encouraged by the fact that Lord Aberdeen—with whom the tsar had negotiated in 1844—had just become prime minister, Nicholas began his personal diplomatic approaches to England through the British minister to St. Petersburg on 9 January 1853. The Seymour correspondence illumines the policies of Britain as well as Russia toward the Ottoman Empire in the mid-nineteenth century, and its value in this respect can hardly be exaggerated. To this correspondence also the sobriquet "sick man of Europe," which thereafter became a common expression in the West for the Ottoman Empire, owes, if not its origin, at least its popularity. Yet it should be noted that the tsar used as his metaphor, "the bear is dying, you may give him musk, but even musk will not long keep him alive," and that Seymour apparently in his letter of 11 January and the Foreign Office in publishing the minister's letter of 21 February substituted "man" for "bear," as Harold Temperley has pointed out, "from a mistaken sense of decorum" (*England and the Near East,* p. 272). Only two of Seymour's letters and the first reply of Foreign Minister Lord Russell are reproduced here. The remaining published correspondence may be found in *Parliamentary Papers, 1854,* vol. 71, part 5. Temperley, *op. cit.,* pp. 270–279; M. T. Florinsky, *Russia,* vol. 2, pp. 858–69; V. J. Puryear, *England, Russia and the Straits Question,* chaps. 4–5; B. E. Schmitt, "Diplomatic Preliminaries of the Crimean War," *American Historical Review,* 25 (1919), 33–67.

1. SEYMOUR TO LORD RUSSELL, 22 JANUARY 1853 [1]

On the 14th instant, in consequence of a summons which I received from the Chancellor, I waited upon the Emperor, and had the honour of holding with His Imperial

[1] A postscript of no pertinence to this collection was omitted from the Blue Book and is not reproduced here; otherwise the published letter conforms to F.O. 65/424, No. 24.

Majesty the very interesting conversation of which it will be my duty to offer your Lordship an account, which, if imperfect, will, at all events, not be incorrect.

I found His Majesty alone; he received me with great kindness, saying, that I had appeared desirous to speak to him upon Eastern affairs; that, on his side, there was no indisposition to do so, but that he must begin at a remote period.

You know, His Majesty said, the dreams and plans in which the Empress Catherine was in the habit of indulging; these were handed down to our time; but while I inherited immense territorial possessions, I did not inherit those visions, those intentions if you like to call them so. On the contrary, my country is so vast, so happily circumstanced in every way, that it would be unreasonable in me to desire more territory or more power than I possess; on the contrary, I am the first to tell you that our great, perhaps our only danger, is that which would arise from an extension given to an Empire already too large.

Close to us lies Turkey, and in our present condition, nothing better for our interests can be desired; the times have gone by when we had anything to fear from the fanatical spirit or the military enterprise of the Turks, and yet the country is strong enough, or has hitherto been strong enough, to preserve its independence, and to insure respectful treatment from other countries.

Well, in that Empire there are several millions of Christians whose interests I am called upon to watch over (surveiller), while the right of doing so is secured to me by Treaty. I may truly say that I make a moderate and sparing use of my right, and I will freely confess that it is one which is attended with obligations occasionally very inconvenient; but I cannot recede from the discharge of a distinct duty. Our religion, as established in this country, came to us from the East, and there are feelings, as well as obligations, which never must be lost sight of.

Now Turkey, in the condition which I have described, has by degrees fallen into such a state of decrepitude that, as I told you the other night, eager as we all are for the prolonged existence of the man (and that I am as desirous as you can be for the continuance of his life, I beg you to believe), he may suddenly die upon our hands (nous rester sur les bras); we cannot resuscitate what is dead; if the Turkish Empire falls, it falls to rise no more; and I put it to you, therefore, whether it is not better to be provided beforehand for a contingency, than to incur the chaos, confusion, and the certainty of an European war, all of which must attend the catastrophe if it should occur unexpectedly, and before some ulterior system has been sketched; this is the point to which I am desirous that you should call the attention of your Government.

Sir, I replied, your Majesty is so frank with me, that I am sure you will have the goodness to permit me to speak with the same openness. I would then observe, that deplorable as is the condition of Turkey, it is a country which has long been plunged in difficulties supposed by many to be insurmountable.

With regard to contingent arrangements, Her Majesty's Government, as your Majesty is well aware, objects, as a general rule, to taking engagements upon possible eventualities, and would, perhaps, be particularly disinclined to doing so in this instance. If I may be allowed to say so, a great disinclination (répugnance) might be expected in England, to disposing by anticipation (d'escompter) of the succession of an old friend and ally.

The rule is a good one, the Emperor replied, good at all times, especially in times of uncertainty and change, like the present; still it is of the greatest importance that we should understand one another, and not allow events to take us by surprise; "Now I desire to speak to you as a friend and as a *gentleman;* if England and I arrive at an understanding of this matter, as regards the rest, it matters little to me; it is indifferent to me what others do or think. Frankly then, I tell you plainly, that if England thinks of establishing herself one of these days at Constantinople, I will not allow it. I do not attribute this intention to you, but

it is better on these occasions to speak plainly; for my part, I am equally disposed to take the engagement not to establish myself there, as proprietor that is to say, for as occupier I do not say: it might happen that circumstances, if no previous provision were made, if everything should be left to chance, might place me in the position of occupying Constantinople."

I thanked His Majesty for the frankness of his declarations, and for the desire which he had expressed of acting cordially and openly with Her Majesty's Government, observing at the same time, that such an understanding appeared the best security against the sudden danger to which His Majesty had alluded. I added that, although unprepared to give a decided opinion upon questions of such magnitude and delicacy, it appeared to me possible that some such arrangement might be made between Her Majesty's Government and His Majesty, as might guard, if not for, at least against, certain contingencies.

To render my meaning more clear I said further: I can only repeat, Sir, that in my opinion, Her Majesty's Government will be indisposed to make certain arrangements connected with the downfall of Turkey, but it is possible that they may be ready to peldge themselves against certain arrangements which might, in that event, be attempted.

His Imperial Majesty then alluded to a conversation which he had held, the last time he was in England, with the Duke of Wellington, and to the motives which had compelled him to open himself to his Grace; then, as now, His Majesty was, he said, eager to provide against events which, in the absence of any concert, might compel him to act in a manner opposed to the views of Her Majesty's Government.

The conversation passed to the events of the day, when the Emperor briefly recapitulated his claims upon the Holy Places, claims recognised by the Firman of last February, and confirmed by a sanction to which His Majesty said he attached much more importance—the word of a Sovereign

The execution of promises so made, and so ratified, the Emperor said he must insist upon, but was willing to believe that his object would be attained by negotiation, the last advices from Constantinople being rather more satisfactory.

I expressed my belief that negotiation, followed, as I supposed it had been, by the threats of military measures, would be found sufficient to secure a compliance with the just demands of Russia. I added, that I desired to state to His Majesty what I had previously read from a written paper to his Minister, viz., that what I feared for Turkey were not the intentions of His Majesty, but the actual result of the measures which appeared to be in contemplation. That I would repeat, that two consequences might be anticipated from the appearance of an Imperial army on the frontiers of Turkey,—the one the counter-demonstration which might be provoked on the part of France; the other, and the more serious, the rising, on the part of the Christian population, against the Sultan's authority, already so much weakened by revolts, and by a severe financial crisis.

The Emperor assured me that no movement of his forces had yet taken place (n'ont pas bougé), and expressed his hope that no advance would be required.

With regard to a French expedition to the Sultan's dominions, His Majesty intimated that such a step would bring affairs to an immediate crisis; that a sense of honour would compel him to send his forces into Turkey without delay or hesitation; that if the result of such an advance should prove to be the overthrow of the Great Turk (le Grand Turc), he should regret the event, but should feel that he had acted as he was compelled to do.

To the above report I have only, I think, to add, that the Emperor desired to leave it to my discretion to communicate or not to his Minister the particulars of our conversation; and that before I left the room, His Imperial Majesty said, You will report what has passed between us to the Queen's Government, and you will say that I shall be ready to receive any communication which it may be their wish to make to me upon the subject.

The other topics touched upon by the

Emperor are mentioned in another despatch. With regard to the extremely important overture to which this report relates, I will only observe, that as it is my duty to record impressions, as well as facts and statements, I am bound to say, that if words, tone, and manner offer any criterion by which intentions are to be judged, the Emperor is prepared to act with perfect fairness and openness towards Her Majesty's Government. His Majesty has, no doubt, his own objects in view; and he is, in my opinion, too strong a believer in the imminence of dangers in Turkey. I am, however, impressed with the belief, that in carrying out those objects, as in guarding against those dangers, His Majesty is sincerely desirous of acting in harmony with Her Majesty's Government.

I would now submit to your Lordship that this overture cannot with propriety pass unnoticed by Her Majesty's Government.

It has been on a first occasion glanced at, and on a second distinctly made by the Emperor himself to the Queen's Minister at his Court, whilst the conversation held some years ago with the Duke of Wellington proves that the object in view is one which has long occupied the thoughts of His Imperial Majesty.

If, then, the proposal were to remain unanswered, a decided advantage would be secured to the Imperial Cabinet, which, in the event of some great catastrophe taking place in Turkey, would be able to point to proposals made to England, and which, not having been responded to, left the Emperor at liberty, or placed him under the necessity, of following his own line of policy in the East.

Again, I would remark that the anxiety expressed by the Emperor, even looking to his own interests, for an extension of the days "of the dying man," appears to me to justify Her Majesty's Government in proposing to His Imperial Majesty to unite with England in the adoption of such measures as may lead to prop up the falling authority of the Sultan.

Lastly, I would observe that even if the Emperor should be found disinclined to lend himself to such a course of policy as might arrest the downfall of Turkey, his declarations to me pledge him to be ready to take beforehand, in concert with Her Majesty's Government, such precautions as may possibly prevent the fatal crisis being followed by a scramble for the rich inheritance which would remain to be disposed of.

A noble triumph would be obtained by the civilization of the nineteenth century, if the void left by the extinction of Mahommedan rule in Europe could be filled up without an interruption of the general peace, in consequence of the precautions adopted by the two principal Governments the most interested in the destinies of Turkey.

2. LORD RUSSELL TO SEYMOUR, 9 FEBRUARY 1853

I have received, and laid before the Queen, your secret and confidential despatch of the 22nd of January.

Her Majesty, upon this as upon former occasions, is happy to acknowledge the moderation, the frankness, and the friendly disposition of His Imperial Majesty.

Her Majesty has directed me to reply in the same spirit of temperate, candid, and amicable discussion.

The question raised by His Imperial Majesty is a very serious one. It is, supposing the contingency of the dissolution of the Turkish Empire to be probable, or even immiment, whether it is not better to be provided beforehand for a contingency, than to incur the chaos, confusion, and the certainty of an European war, all of which must attend the catastrophe if it should occur unexpectedly, and before some ulterior system has been sketched; this is the point, said His Imperial Majesty, to which I am desirous that you should call the attention of your Government.

In considering this grave question, the first reflection which occurs to Her Majesty's Government is that no actual crisis has occurred which renders necessary a solution of this vast European problem. Disputes have arisen respecting the Holy Places, but these are without the sphere of the internal government of Turkey, and

concern Russia and France rather than the Sublime Porte. Some disturbance of the relations between Austria and the Porte has been caused by the Turkish attack on Montenegro; but this, again, relates rather to dangers affecting the frontier of Austria than the authority and safety of the Sultan; so that there is no sufficient cause for intimating to the Sultan that he cannot keep peace at home, or preserve friendly relations with his neighbours.

It occurs further to Her Majesty's Government to remark, that the event which is contemplated is not definitely fixed in point of time. When William the Third and Louis the Fourteenth disposed, by treaty, of the succession of Charles the Second of Spain, they were providing for an event which could not be far off. The infirmities of the Sovereign of Spain, and the certain end of any human life, made the contingency in prospect both sure and near. The death of the Spanish King was in no way hastened by the Treaty of Partition. The same thing may be said of the provision, made in the last century, for the disposal of Tuscany upon the decease of the last prince of the house of Medici. But the contingency of the dissolution of the Ottoman Empire is of another kind. It may happen twenty, fifty, or a hundred years hence.

In these circumstances it would hardly be consistent with the friendly feelings towards the Sultan which animate the Emperor of Russia, no less than the Queen of Great Britain, to dispose beforehand of the provinces under his dominion. Besides this consideration, however, it must be observed, that an agreement made in such a case tends very surely to hasten the contingency for which it is intended to provide. Austria and France could not, in fairness, be kept in ignorance of the transaction, nor would such concealment be consistent with the end of preventing an European war. Indeed, such concealment cannot be intended by His Imperial Majesty. It is to be inferred that, as soon as Great Britain and Russia should have agreed on the course to be pursued, and have determined to enforce it, they should communicate their intentions to the Great Powers of Europe. An agreement thus made, and thus communicated, would not be very long a secret; and while it would alarm and alienate the Sultan, the knowledge of its existence would stimulate all his enemies to increased violence and more obstinate conflict. They would fight with the conviction that they must ultimately triumph; while the Sultan's generals and troops would feel that no immediate success could save their cause from final overthrow. Thus would be produced and strengthened that very anarchy which is now feared, and the foresight of the friends of the patient would prove the cause of his death.

Her Majesty's Government need scarcely enlarge on the dangers attendant on the execution of any similar Convention. The example of the Succession War is enough to show how little such agreements are respected when a pressing temptation urges their violation. The position of the Emperor of Russia as depositary, but not proprietor, of Constantinople, would be exposed to numberless hazards, both from the long-cherished ambition of his own nation, and the jealousies of Europe. The ultimate proprietor, whoever he might be, would hardly be satisfied with the inert, supine attitude of the heirs of Mahomet the Second. A great influence on the affairs of Europe seems naturally to belong to the Sovereign of Constantinople, holding the gates of the Mediterranean and the Black Sea.

That influence might be used in favour of Russia; it might be used to control and curb her power.

His Imperial Majesty has justly and wisely said: My country is so vast, so happily circumstanced in every way, that it would be unreasonable in me to desire more territory or more power than I possess. On the contrary, he observed, our great, perhaps our only danger, is that which would arise from an extension given to an Empire already too large. A vigorous and ambitious State, replacing the Sublime Porte, might, however, render war on the part of Russia a necessity for the Emperor or his successors.

Thus European conflict would arise from the very means taken to prevent it; for neither England nor France, nor probably Austria, would be content to see Constantinople permanently in the hands of Russia.

On the part of Great Britain, Her Majesty's Government at once declare that they renounce all intention or wish to hold Constantinople. His Imperial Majesty may be quite secure upon this head. They are likewise ready to give an assurance that they will enter into no agreement to provide for the contingency of the fall of Turkey without previous communication with the Emperor of Russia.

Upon the whole, then, Her Majesty's Government are persuaded that no course of policy can be adopted more wise, more disinterested, more beneficial to Europe than that which His Imperial Majesty has so long followed, and which will render his name more illustrious than that of the most famous Sovereigns who have sought immortality by unprovoked conquest and ephemeral glory.

With a view to the success of this policy it is desirable that the utmost forbearance should be manifested towards Turkey; that any demands which the Great Powers of Europe may have to make, should be made matter of friendly negotiation rather than of peremptory demand; that military and naval demonstrations to coerce the Sultan should as much as possible be avoided; that differences with respect to matters affecting Turkey, within the competence of the Sublime Porte, should be decided after mutual concert between the Great Powers, and not be forced upon the weakness of the Turkish Government.

To these cautions Her Majesty's Government wish to add, that in their view it is essential that the Sultan should be advised to treat his Christian subjects in conformity with the principles of equity and religious freedom which prevail generally among the enlightened nations of Europe. The more the Turkish Government adopts the rules of impartial law and equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection which His Imperial Majesty has found so burthensome and inconvenient, though no doubt prescribed by duty and sanctioned by Treaty.

You may read this despatch to Count Nesselrode, and, if it is desired, you may yourself place a copy of it in the hands of the Emperor. In that case you will accompany its presentation with those assurances of friendship and confidence on the part of Her Majesty the Queen, which the conduct of His Imperial Majesty was so sure to inspire.

3. SEYMOUR TO LORD RUSSELL, 21 FEBRUARY 1853

The Emperor came up to me last night, at a party of the Grand Duchess Hereditary's, and in the most gracious manner took me apart, saying that he desired to speak to me. After expressing, in flattering terms, the confidence which he has in me, and his readiness to speak to me without reserve upon matters of the greatest moment, as, His Majesty observed, he had proved in a late conversation, he said: And it is well it is so; for what I most desire is, that there should be the greatest intimacy between the two Governments: it never was so necessary as at present. Well. the Emperor continued, so you have got your answer, and you are to bring it to me to-morrow?

I am to have that honour, Sir, I answered; but your Majesty is aware that the nature of the reply is very exactly what I had led you to expect.

So I was sorry to hear; but I think your Government does not well understand my object. I am not so eager about what shall be done when the bear dies, as I am to determine with England what shall not be done upon that event taking place.

But, Sir, I replied, allow me to observe, that we have no reason to think that the Bear (to use your Majesty's expression) is dying. We are as much interested as we believe your Majesty to be in his continuing to live; while for myself, I will venture to remark that experience shows me that countries do not die in such a hurry:— I have seen by our Archives both in Turkey and Portugal that these two countries

have for years past been considered in a perishing state, and yet there they remain, and there Turkey will remain for many a year, unless some unforeseen crisis should occur. It is precisely, Sir, for the avoidance of all circumstances likely to produce such a crisis, that Her Majesty's Government reckons upon your generous assistance.

Then, rejoined the Emperor, I will tell you, that if your Government has been led to believe that Turkey retains any elements of existence, your Government must have received incorrect information. I repeat to you that the Bear is dying, you may give him musk, but even musk will not long keep him alive, and we can never allow such an event to take us by surprise. We must come to some understanding; and this we should do, I am convinced, if I could hold but ten minutes' conversation with your Ministers—with Lord Aberdeen, for instance, who knows me so well, who has full confidence in me, as I have in him. And remember, I do not ask for a Treaty or a Protocol; a general understanding is all I require—that between gentlemen is sufficient; and in this case I am certain that the confidence would be as great on the side of the Queen's Ministers as on mine. So no more for the present; you will come to me to-morrow, and you will remember that as often as you think your conversing with me will promote a good understanding upon any point, you will send word that you wish to see me.

I thanked His Majesty very cordially, adding that I could assure him that Her Majesty's Government, I was convinced, considered his word, once given, as good as a bond.

It is hardly necessary that I should observe to your Lordship, that this short conversation, briefly but correctly reported, offers matter for most anxious reflection.

It can hardly be otherwise but that the Sovereign who insists with such pertinacity upon the impending fall of a neighbouring State, must have settled in his own mind that the hour, if not of its dissolution, at all events for its dissolution, must be at hand.

I will only remark to your Lordship, as a point of evidence which goes far towards establishing a settled purpose, that the expression of Musk being insufficient to keep alive the sinking Turk was used to me ten days ago by one of the Emperor's most confidential Servants.

Then, as now, I reflected that this assumption would hardly be ventured upon unless some, perhaps general, but at all events intimate, understanding, existed between Russia and Austria.

Supposing my suspicion to be well founded, the Emperor's object is to engage Her Majesty's Government, in conjunction with his own Cabinet and that of Vienna, in some scheme for the ultimate partition of Turkey, and for the exclusion of France from the arrangement.

60. UNDERTAKING BY PERSIA NOT TO ATTACK HERAT
25 January 1853

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, pp. 77–78]

Perso-Afghan relations were unaffected by European politics until the nineteenth century. Lying in the path of Russian expansion to the south and Anglo-Indian expansion to the north, Persia and the three khanates or principalities of Afghanistan were drawn into the orbit of Anglo-Russian rivalry, which reached its first climax in the late 1830's. The Qajar dynasty did not abandon hop- of reasserting Persian sovereignty over Afghanistan, extinguished at the time of Nadir Shah's death in 1747. Russia encouraged Persian Irredentism in this direction after 1828 to distract the Qajars from their unhappiness over the loss of the northwest provinces to the tsar. In the wake of the Anglo-Russian rapprochement of 1839–41, the contest died down for about a decade, only to be resumed in the 1850's. The trouble started in 1851 when new khan of Herat sought Persian protection against the khans of Kabul and Qandahar. Ever mindful of the defense of India, the British strongly resisted the extension of Persian influence eastward. In January 1853 they com-

pelled the principal minister of Nasir-al-Din Shah (1848–96) to sign an engagement not to send forces to Herat unless it was besieged by foreign troops and not to interfere in the internal affairs of that khanate. *British and Foreign State Papers,* vol. 45, pp. 642–71 (correspondence); Sir H. Rawlinson, *England and Russia in the East,* pp. 44–89; J. W. Kaye, *History of the War in Afghanistan,* 3 vols. (for background through 1842); Sir P. Sykes, *History of Persia,* vol. 2, chaps. 77–78, and *History of Afghanistan,* vol. 1, chap. 27, vol. 2, chaps. 28–33; J. Popowski, *The Rival Powers in Central Asia,* translated from German by A. B. Brabaut and edited by C. E. D. Black; G. N. Curzon, *Russia in Central Asia,* chap. 9, and *Persia,* vol. 2, chap. 30; A. Krausse, *Russia in Asia,* chap. 10; J. P. Ferrier, *Voyages en Perse, dans l'Afghanistan, le Béloutchistan et le Turkestan,* or, in English translation by W. Jesse, *Caravan Journeys and Wanderings in Persia, Afghanistan, Turkistan and Beloochistan,* passim.

The Persian Government engages not to send troops on any account to the territory of Herat, excepting when troops from without attack that place, that is to say, troops from the direction of Cabool, or from Candahar, or from other foreign territory; and in case of troops being despatched under such circumstances, the Persian Government binds itself that they shall not enter the city of Herat, and that immediately on the retreat of the foreign troops to their own country, the Persian force shall forthwith return to the Persian soil without delay.

The Persian Government also engages to abstain from all interference whatsoever in the internal affairs of Herat, likewise in (regard to) occupation or taking possession, or assuming the sovereignty or government, except that the same amount of interference which took place between the two in the time of the late Zuheer-ood-Dowlah, Yar Mahomed Khan, is to exist as formerly. The Persian Govern. ent, therefore, engages to address a letter to Syed Mahomed Khan, acquainting him with these conditions, and to forward it to him (by a person) accompanied by some one belonging to the English mission, who may be in Meshed.

The Persian Government also engages to relinquish all claim or pretension to the coinage of money and to the "Khootbeth", or to any other mark whatever of subjection or of allegiance on the part of the people of Herat to Persia. But if, as in the time of the late Kamran and in that of the late Yar Mahomed Khan, they should, of their own accord, send an offering in money and strike it in the Shah's name, Persia will receive it without making any objection. This condition will also be immediately communicated to Syed Mahomed Khan. They also engage to recall Abbas Koolee Khan, Peeseean, after four months from the date of his arrival, so that he may not reside there permanently; and hereafter no permanent agent will be placed in Herat, but intercourse will be maintained as in the time of Yar Mahomed Khan. Neither will they maintain a permanent agent on the part of Herat in Teheran. There will be the same relations and privileges which existed in Kamran's time, and in that of the late Yar Mahomed Khan. For instance, if at any time it should be necessary for the punishment of the Toorkomans, or in case of disturbance or rebellion in the Shah's dominions, that the Persian Government should receive assistance from the Heratees, similar to that afforded by the late Yar Mahomed Khan, they may, as formerly, render assistance of their own accord and free-will, but not of a permanent nature.

The Persian Government further engages, unconditionally and without exception, to release and set free all the Chiefs of Herat who are in Meshed or in Teheran or in any other part of Persia, and not to receive any offenders, prisoners, or suspected persons whatsoever from Syed Mahomed Khan, with the exception of such persons as having been banished by Syed Mahomed Khan from Herat may come here and themselves desire to remain, or to enter the service. These will be treated with kindness and favour as formerly. Distinct orders will be issued immediately to the Prince Governor of Khorassan to carry out these engagements.

The above six engagements on the part

of the Persian Government are to be observed and to have effect; and the Persian ministers, notwithstanding the rights which they possess in Herat, solely out of friendship, and to satisfy the English Government, have entered into these engagements with the English Government so long as there is no interference whatsoever on its part in the internal affairs of Herat and its dependencies; otherwise these engagements will be null and void, and as if they never had existed or been written. And if any foreign (State), either Afghan or other, should desire to interfere with or encroach upon the territory of Herat or its dependencies and the Persian ministers should make the request, the British Government are not to be remiss in restraining them and in giving their friendly advice, so that Herat may remain in its own state of independence.

61. PERPETUAL MARITIME TRUCE CONCLUDED BY THE SHAYKHS OF THE 'UMANI COAST
4 May 1853

(Approved by the Governor-General of India in Council, 24 August 1853)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, pp. 252–53]

The general treaty of 1820 for the suppression of piracy and slave traffic (Doc. 35) did not proscribe war among the signatories, and "under the name of acknowledged war many acts of piracy were committed, especially during the pearl-fishing season." The British therefore persuaded the shaykhs in 1835 to accept a six-month maritime truce on the understanding that Her Majesty's government would not interfere with their wars on land. The truce was renewed periodically until 1843, when the shaykhs agreed to a ten-year extension (text, Aitchison, *op. cit.*, pp. 250–51), at the expiration of which it was decided to prolong the agreement in perpetuity. Sir A. T. Wilson, *Persian Gulf*, chap. 13; G. N. Curzon, *Persia*, vol. 2, pp. 446–52; C. R. Low, *History of Indian Navy*, vol. 2, chap. 6; H. J. Liebesny, "International Relations of Arabia," *Middle East Journal*, 1 (1947), 148–68; J. Y. Brinton, "The Arabian Peninsula," *Revue égyptienne de droit international*, 3 (1947), 5–38.

We, whose seals are hereunto affixed, Sheikh Sultan bin Suggur, Chief of Rass-ool-Kheimah, Sheikh Saeed bin Tahnoon, Chief of Aboo Dhebbee, Sheikh Saeed bin Butye, Chief of Debay, Sheikh Hamid bin Rashed, Chief of Ejman, Sheikh Abdoola bin Rashed, Chief of Umm-ool-Keiweyn, having experienced for a series of years the benefits and advantages resulting from a maritime truce contracted amongst ourselves under the mediation of the Resident in the Persian Gulf and renewed from time to time up to the present period, and being fully impressed, therefore, with a sense of the evil consequence formerly arising, from the prosecution of our feuds at sea, whereby our subjects and dependants were prevented from carrying on the pearl fishery in security, and were exposed to interruption and molestation when passing on their lawful occasions, accordingly, we, as aforesaid have determined, for ourselves, our heirs and successors, to conclude together a lasting and inviolable peace from this time forth in perpetuity and do hereby agree to bind ourselves down to observe the following conditions:—

ART. 1. That from this date, *viz.*, 25th Rujjub 1269, 4th May 1853, and hereafter, there shall be a complete cessation of hostilities at sea between our respective subjects and dependants, and a perfect maritime truce shall endure between ourselves and between our successors, respectively, for evermore.

ART. 2. That in the event (which God forbid) of any of our subjects or dependants committing an act of aggression at sea upon the lives or property of those of any of the parties to this agreement, we will immediately punish the assailants and proceed to afford full redress upon the same being brought to our notice.

ART. 3. That in the event of an act of aggression being committed at sea by any of those who are subscribers with us to this engagement upon any of our subjects or de-

pendants, we will not proceed immediately to retaliate, but will inform the British Resident or the Commodore at Bassidore, who will forthwith take the necessary steps for obtaining reparation for the injury inflicted, provided that its occurrence can be satisfactory proved.

We further agree that the maintenance of the peace now concluded amongst us shall be watched over by the British Government, who will take steps to ensure at all times the due observance of the above Articles, and God of this is the best witness and guarantee.

62. TREATY FOR MILITARY AID TO THE SUBLIME PORTE: FRANCE, GREAT BRITAIN, AND THE OTTOMAN EMPIRE
12 March 1854

(Ratifications exchanged, Istanbul, 8 May 1854)

[Great Britain, *Parliamentary Papers, 1854,* vol. 72, pp. 105–07]

If any uncertainty still obtained that Ottoman affairs had become inseparable from those of Europe by the mid-nineteenth century, the doubts should have been dissipated by the Crimean War. The Sublime Porte, with the backing of the British ambassador at Istanbul, refused in March 1853 to accede to Russian demands for the right to protect all Greek Orthodox subjects of the Sultan. This led to the Russian occupation in July of Moldavia and Walachia, Ottoman Danubian provinces (forming part of present-day Rumania). The Porte's declaration of war on 4 October was followed by that of the tsarist regime precisely four weeks later. The Russians destroyed the Ottoman fleet at Sinop on 30 November. British and French warships, which had already passed the Dardanelles to give moral support to the Sultan, entered the Black Sea in January 1854. In justifying the tripartite treaty, which preceded by fifteen days their formal declaration of war, England and France stated in the preamble that they had consented to the Sultan's request for assistance "in repelling . . . [Russian] aggression by which the integrity of the Ottoman Empire and the independence of the [Sultan's] throne . . . are menaced," for the Western signatories were "fully persuaded that the existence of the Ottoman Empire in its present limits is essential to the maintenance of the balance of power among the States of Europe. . . ." H. Temperley, *England and the Near East,* chaps. 12–14; T. E. Holland, *Lecture on Treaty Relations of Russia and Turkey;* M. T. Florinsky, *Russia,* vol. 2, 869–78; V. J. Puryear, *England, Russia and the Straits Question,* chap. 5; E. Bapst, *Les Origines de la guerre de Crimée;* (A. Jomini), *Étude diplomatique sur la guerre de Crimée,* 2 vols. (also in English translation); C. K. Martin, *The Triumph of Lord Palmerston,* chaps. 7–8; S. Lane-Poole, *Stratford Canning,* vol. 2, chaps. 25–28; for questions relating to the straits, see Doc. 66.

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, having already, at the request of His Imperial Majesty the Sultan, ordered powerful divisions of their naval forces to proceed to Constantinople, and to afford to the Ottoman territory and flag such protection as the circumstances might admit of, their said Majesties undertake by the present Treaty still further to cooperate with His Imperial Majesty the Sultan for the defence of the Ottoman territory in Europe and in Asia against Russian aggression, by employing for that purpose such an amount of their land forces as may appear necessary to attain the said object; which land forces their said Majesties will immediately dispatch to such point or points of the Ottoman territory as shall be deemed expedient: and His Imperial Majesty the Sultan agrees, that the British and French land forces thus sent for the defence of the Ottoman territory, shall meet with the same friendly reception, and shall be treated with the same consideration, as the British and French naval forces, which have for some time past been employed in the waters of Turkey.

ART. II. The High Contracting Parties severally engage to communicate to each

other, without loss of time, any proposition which any one of them may receive on the part of the Emperor of Russia, either directly or indirectly, with a view to the cessation of hostilities, to an armistice, or to peace; and His Imperial Majesty the Sultan engages, moreover, not to conclude any armistice, nor to enter on any negotiation for peace, and not to conclude any preliminary of peace, nor any Treaty of Peace, with the Emperor of Russia, without the knowledge and consent of the High Contracting Parties.

ART. III. As soon as the object of the present Treaty shall have been attained by the conclusion of a Treaty of Peace, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, will forthwith make arrangements for the immediate withdrawal of all their military and naval forces which shall have been employed to accomplish the object of the present Treaty; and all the fortresses or positions in the Ottoman territory which shall have been temporarily occupied by the military forces of England and France, shall be delivered up to the authorities of the Sublime Ottoman Porte in the space of forty days, or sooner if possible, after the exchange of the ratifications of the Treaty by which the present war shall be terminated.

ART. IV. It is understood that the auxiliary armies shall retain the power of taking such part as they may deem expedient in the operations directed against the common enemy, without the Ottoman authorities, civil or military, having any pretension to exercise the slightest control over their movements: on the contrary, every aid and facility shall be afforded to them by those authorities, especially for their landing, their march, their quarters or encampment, their subsistence and that of their horses, and their communications, whether they act together or whether they act separately.

It is understood, on the other hand, that the commanders of the said armies undertake to maintain the strictest discipline in their respective troops, and shall cause them to respect the laws and usages of the country.

As a matter of course property shall be everywhere respected.

It is moreover understood, on either side, that the general plan of campaign shall be discussed and settled between the Commanders-in-chief of the three armies, and that if any considerable portion of the allied troops should be acting in conjunction with the Ottoman troops, no operation shall be undertaken against the enemy without its having been previously concerted with the commanders of the allied forces.

Finally, attention shall be paid to any demand relative to the wants of the service which may be addressed by the Commanders-in-chief of the auxiliary troops, either to the Ottoman Government through their respective Embassies, or, in case of urgency, to the local authorities, unless insuperable objections, to be clearly explained, should prevent compliance with such demands.

63. DEED OF THE MASQATI SULTAN CEDING THE KURIA MURIA ISLANDS TO THE BRITISH CROWN
14 July 1854

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, p. 302]

The British appear to have sought possession of these islands, which the French had also tried to acquire, for the guano deposits and for use as a cable station in a projected telegraph line to India. R. Coupland, *East Africa and Its Invaders,* chap. 17; also references to Doc. 56.

From the humble Saeed bin Sultan, to all and every one who may see this paper, whether Mahomedans or others—

There has arrived to me from the powerful nation (England) Captain Fremantle, belonging to the Royal Navy of the Great

Queen, requesting from me the (Jesairi bin Colfaim) Koria Moria Islands, *viz.*, Helaneea, Jibleea, Soda, Haski and Gurzond; and I hereby cede to the Queen Victoria the above-mentioned Islands, to be her possessions, or her heirs and successors after her.

In proof whereof I have hereunto affixed my signature and seal, on behalf of myself and my son after me, of my own free will and pleasure, without force, intimidation, or pecuniary interest whatsoever.

64. DEFINITIVE CONCESSION FOR THE CONSTRUCTION OF THE SUEZ CANAL
5 January 1856

[Percy Fitzgerald, *The Great Canal at Suez* (London, 1876), vol. 1, pp. 297–307]

From the time of Napoleon I, French interest in piercing the Isthmus of Suez for seaborne traffic grew progressively more articulate. The British government resisted French efforts at every turn, fearing that a canal linking the Mediterranean and Red seas and severing the Asian and African continents could hardly fail to become a second Ottoman Straits in European politics. The British line was defined by Palmerston, who held office as Foreign or Prime Minister throughout most of the period in which the canal scheme became a practical possibility. He promoted, as an alternative to the canal, the erection of a railroad from Alexandria to Cairo and Suez. Despite British opposition, Ferdinand de Lesseps, a former French consul with a long record of service in Egypt, obtained on 30 November 1854 from Sa'id Paşa (1854–63), Mehmed 'Ali's youngest son who had just succeeded to the governorship, an act of concession for building the canal (English translation in Fitzgerald, *op. cit.*, pp. 293–97). De Lesseps' triumph derived as much from persistence as from personal friendship with Sa'id. The original act of concession was replaced by a definitive and more detailed one on 5 January 1856, when the statutes of the Compagnie Universelle du Canal Maritime de Suez were adopted (French text of statutes in *British and Foreign State Papers,* vol. 55, pp. 981–95; English abstract in Fitzgerald, *op. cit.*, pp. 310–23). British diplomatic opposition stiffened after work on the canal commenced in 1859 and was not finally overcome until nearly seven years later. C. W. Hallberg, *The Suez Canal, Its History and Diplomatic Importance,* chaps. 1–12; A. T. Wilson, *The Suez Canal, Its Past, Present and Future,* chaps. 1–2; Fitzgerald, *op. cit.*, 2 vols.; H. J. Schonfield, *The Suez Canal in World Affairs,* chaps. 1–5; H. L. Hoskins, *British Routes to India,* chaps. 12–14; Compagnie Universelle du Canal Maritime de Suez, *Recueil chronologique des actes constitutifs et des conventions conclues avec le gouvernement égyptien, 30 novembre 1854–1^er^ janvier 1950;* A. Sammarco, *Précis de l'histoire d'Égypte,* vol. 4, chaps. 3–6, 9.

§ I. OBLIGATIONS

ART. 1. The Society founded by our friend M. Ferdinand de Lesseps, in virtue of our grant of the 30th of November, 1854, must execute at its own expense, risk, and peril, all works and constructions necessary for the establishment.

1st. A Canal for the navigation of large vessels, between Suez on the Red Sea, and the gulf of Pelusium in the Mediterranean.

2nd. A Canal of irrigation, for the navigation of the Nile, joining the river to the Maritime Canal above-mentioned.

3rd. Two branches for irrigation and alimentation derived from the preceding Canal and bearing their waters in the two directions of Suez and of Pelusium.

The works to be conducted in such a manner as to be finished in six years' time, except in the case of unavoidable hindrances and delays.

ART. 2. The Company are to have all facilities for executing the works with which it is charged, by itself and with administrative powers (*in regie*), or to cause them to be executed by contractors by means of adjudication or otherwise. In all cases four-fifths at least of the workmen employed in these works are to be Egyptians.

ART. 3. The Canal for the navigation of large vessels shall be of the depth and width fixed by the programme of the scientific International Commission.

In conformity with this programme it shall start from the port itself of Suez; use the basin, so called, of the Bitter Lakes and of Lake Timsah; and will fall into the Mediterranean, at a point of the gulf of Pelusium to be determined by the final plans drawn up by the Company's engineers.

ART. 4. The Canal of irrigation destined for the navigation of the rivers as laid down with conditions of the said programme, is to take its rise near the city of Cairo, follow the valley (Ouady) Toumilat (old land of Gessen or Goshen) and fall into the great Maritime Canal at Lake Timsah.

ART. 5. The arms of the said Canal are to branch off from the main body of water, above the outlet into Lake Timsah; at which point they will be directed on one side towards Suez, on the other towards Pelusæ, parallel to the great Maritime Canal.

ART. 6. Lake Timsah will be converted into an inland port able to receive vessels of the largest tonnage.

The Company will be bound, moreover, if necessary, 1st to construct an harbour at the entrance of the Maritime Canal to the gulf of Pelusium. 2nd. To improve the port and roadstead of Suez, so as also to afford shelter to vessels.

Art. 7. The Maritime Canal and ports belonging to it, as well as the Canal of junction with the Nile and that of derivation, will always be kept in good order by the Company and at its own expense.

ART. 8. The owners of property on the bank of the river wishing their land to be irrigated by artificial supplies from the Canals constructed by the Company, may obtain grants from it for this purpose by means of an indemnity or duty, the amount of which shall be fixed by the conditions of Article 17, hereinafter mentioned.

ART. 9. We reserve the right to appoint on the Board of Management a special commissioner, to be paid by the Company, and who will represent the rights and interests of the Egyptian Government in the execution of the provisions of this present deed.

If the Society's Board of Management be established elsewhere than in Egypt, the Company will be bound to be represented at Alexandria by a superior agent provided with all powers necessary to secure the furtherance of the work and the relations of the Company with our Government.

§ II. CONCESSIONS

ART. 10. In return for the construction of the Canals and the additional works mentioned in the foregoing articles, the Egyptian Government allows the Company, without tax or duty, to enjoy the use of all land not belonging to private individuals which they may require.

Also the use of all land as yet uncultivated not belonging to private individuals, which will be watered and cultivated at the Company's expense and trouble, with this difference: 1st. That the portions of land included in this last category shall be exempt from taxes for ten years only, dating from their connexion with the undertaking. 2nd. That after that term, and until the expiration of the grant, they shall be liable to the obligations and taxes to which the land of the other Egyptian provinces is liable under the same circumstances. 3rd. That the Company can, afterwards, by its own acts or by its assigns, keep possession of this land and the artificial supply of water necessary for its fertilizaton on undertaking to pay to the Egyptian Government the taxes imposed upon the land under the same conditions.

ART. 11. To determine the extent and limits of the land granted to the Company, under the conditions of the Sections 1 and 2 of Article X. above quoted, reference is to be made to the plans hereto annexed; it being understood that the lands granted for the construction of the Canals and dependencies free of tax or duty in conformity with Section 1 are shown coloured black, and the lands granted for cultivation by payment of certain dues in conformity with Section 2, are therin shown coloured blue.

All deeds to be considered null and void made subsequent to our firman of 30th November, 1854, which will either vest rights of indemnity against the Company in

private individuals which have not yet existed with respect to those lands, or rights of indemnity more extensive than they have yet enjoyed.

ART. 12. The Egyptian Government will make over, if occasion arise, to the Company, any private property the possession of which may be necessary to the execution of the work and the administration of the grants, provided the Company pay a just indemnity to the owners.

Indemnity for temporary occupation, or of definitive expropriation is to be regulated amicably as far as possible; in case of disagreement, it will be fixed by a tribunal of arbitration proceeding summarily and composed: 1st, of an arbitrator chosen by the Company; 2nd, of an arbitrator chosen by the parties interested, of a 3rd arbitrator nominated by us.

The decisions of the tribunal of arbitration to be immediately executory and without appeal.

ART. 13. The Egyptian Government invests the privileged Company, for the whole term of the grant, with power to work any mines and quarries that are public property free of duty, tax, or indemnity, and extract all materials necessary for the purposes of constructing and maintaining the works and establishments belonging to the undertaking.

It frees the Company, moreover, from all Custom-house dues, of export or import, on the importation into Egypt of all merchandize and materials whatsoever from abroad for the needs of the Company's different works in course of construction or management.

ART. 14. We declare solemnly, for ourselves and our successors, subject to the ratification of H.I.M. the Sultan, the Great Maritime Canal of Suez to Pelusium and the ports belonging to it, open at all times, as neutral passages, to every merchant vessel crossing from one sea to the other, without any distinction, exclusion, or preference of persons or nationalities, in consideration of the payment of the dues, and the performance of regulations established by the universal privileged Company for the use of the said Canal and its dependencies.

ART. 15. In consequence of the principle laid down in the foregoing article, the universal privileged Company cannot, in any case, give to any vessel, Company, or private individual, any advantage or favour not given to all other vessels, Companies, or individuals, on the same conditions.

ART. 16. The duration of the Company is fixed at 99 years, counting from the completion of the works and the opening of the Maritime Canal to large vessels.

At the expiration of this period, the Egyptian Government will resume possession of the Canal constructed by the Company, on condition, in this case, that the Government take over the materials and provisions in use for the Maritime Service of the undertaking, and pay the Company the value fixed, either by amicable arrangement or official estimate.

Nevertheless, should the Company retain the concession by successive periods of 99 years, the previous deduction for the benefit of the Egyptian Government stipulated by Article 18 hereafter shall be increased for the second period to 20 per cent., for the third period to 25 per cent., and so on, at an increase of 5 per cent. for each period, such deductions not to exceed 35 per cent. of the net profits of the undertaking.

ART. 17. In order to indemnify the Company for the expenses of construction, maintenance, and management placed to its account by these presents, we authorize it, henceforth, and for the term of its possession, as may be determined by paragraphs 1st and 3rd of foregoing Article, to establish and collect for the right of passing through the Canals and the ports belonging, navigation, all pilotage, towage, or anchorage dues, according to tariffs to be modified by the Company at all times; but under this strict condition:—

1st. The dues to be levied without exception or favour upon all vessels under like conditions;

2nd. The tariff to be published three months before being put into force, in all the capitals and the principal ports of commerce of the countries concerned;

3rd. For the special navigation dues the maximum of ten francs a ton for vessels,

and ten francs a head for passengers not to be exceeded.

The Company may, also, for all artificial supplies of water granted on demand by private individuals, in virtue of Article 8 above-mentioned collect, according to a tariff to be fixed by itself, a duty proportionate to the quantity of water used and the extent of ground watered.

ART. 18. At the same time, since grants of land and other advantages have been bestowed upon the Company by the foregoing Articles, we reserve, for the benefit of the Egyptian Government, a deduction of 15 per cent. upon the net profits of each year settled and allotted by the general meeting of shareholders.

ART. 19. The list of Founder-Members who have assisted by their labours, exertions, and their capital the realization of the undertaking before the foundation of the Society will be determined by us.

After the deduction for the Egyptian Government stipulated in Article 18 abovementioned, 10 per cent. of the net annual products of the undertaking is to be allotted to the Founder-Members, their heirs or assigns.

ART. 20. Independently of the time necessary for the execution of the works, our friend and representative, M. Ferdinand de Lesseps will preside over and direct the Society as first founder, for ten years, dating from the time when the period of the enjoyment of the grant of 99 years begins, by the terms of Article 16 above-mentioned.

ART. 21. The statutes of the Society thus created under the denomination of Universal Company of the Maritime Canal of Suez are hereby approved; this present approbation being valid as an authorization of constitution, in the usual form of "Sociétés Anonymes," dating from the day on which the capital of the Company shall have been entirely made up.

ART. 22. As a testimony of the interest we attach to the success of the enterprise, we promise the Company the hearty cooperation of the Egyptian Government, and by these presents expressly invite all functionaries and agents of the departments of our administration, to afford it their aid and protection under all circumstances.

Our engineers. Linant-Bey and Mougel-Bey, whom we place at the Company's disposal for the direction and management of the works required by it, will have the supervision of workmen and be charged with the execution of regulations concerning the setting up of the works.

ART. 23. All the provisions of our ordinance of the thirtieth November, one thousand eight hundred and fifty-four are revoked, with others which will be found to to be in opposition to the clauses and conditions of the present specification which will only be law for the grant for which it applies.

65. SULTAN 'ABDÜLMECID'S HATTI HÜMAYUN REAFFIRMING THE PRIVILEGES AND IMMUNITIES OF THE NON-MUSLIM COMMUNITIES
18 February 1856

[U. S., 46th Cong., Spec. Sess. (March 1881), Senate, Exec. Documents, vol. 3, No. 3, *The Capitulations,* by E. A. Van Dyck, part 1, pp. 108–11]

In an *ıslahat fermanı* (reform decree), generally labeled by Westerners a *hatti hümayun* (imperial rescript), of 18 February 1856, Sultan 'Abdülmecid reaffirmed the traditional rights of his non-Muslim subjects and promised them complete religious liberty and equality. After prodding by the all-powerful British ambassador, Viscount de Redcliffe (formerly Stratford Canning), the sultan issued his latest decree on the eve of the peace conference at Paris. The decree was obviously designed to weaken Russian claims to the right of protecting all Greek Orthodox Christians in the Ottoman Empire, a claim that had been one of the principal immediate causes of the Crimean War. In article 9 of the treaty of Paris (see Doc. 66), the European powers recognized "the high value of this communication. It is clearly understood that it cannot, in any case, give to the said Powers the right to interfere, either collectively or separately, in the relations of His Majesty the Sultan

with his subjects, nor in the internal administration of his Empire." The *hatti hümayun* of 1856, one observer noted, "left nothing to be desired but its execution." He might have made the same comment with equal validity on article 9 of the treaty of Paris. R. H. Davison, "Turkish Attitudes concerning Christian-Muslim Equality in the Nineteenth Century," *American Historical Review,* 59 (1954), 844–64; É. Englehardt, *La Turquie et le tanzimat,* vol. 1, pp 115–51; E. S. Creasy, *History of the Ottoman Turks* (2nd ed.), chap. 25; S. Lane-Poole, *Stratford Canning,* vol. 2, pp. 439–45.

Let it be done as herein set forth.

To you, my Grand Vizier Mehemed Emin Aali Pasha, decorated with my imperial order of the medjidiye of the first class, and with the order of personal merit; may God grant to you greatness and increase your power.

It has always been my most earnest desire to insure the happiness of all classes of the subjects whom Divine Providence has placed under my imperial sceptre and since my accession to the throne I have not ceased to direct all my efforts to the attainment of that end.

Thanks to the Almighty, these unceasing efforts have already been productive of numerous useful results. From day to day the happiness of the nation and the wealth of my dominions go on augmenting.

It being now my desire to renew and enlarge still more the new institutions ordained with a view of establishing a state of things conformable with the dignity of my empire and the position which it occupies among civilized nations, and the rights of my empire having, by the fidelity and praiseworthy efforts of all my subjects, and by the kind and friendly assistance of the great powers, my noble allies, received from abroad a confirmation which will be the commencement of a new era, it is my desire to augment its well being and prosperity, to effect the happiness of all my subjects, who in my sight are all equal, and equally dear to me, and who are united to each other by the cordial ties of patriotism, and to insure the means of daily increasing the prosperity of my empire.

I have therefore resolved upon, and I order the execution of the following measures:

The guarantees promised on our part by the Hatti-Humayoun of Gulhané, and in conformity with the Tanzimat, to all the subjects of my empire, without distinction of classes or of religion, for the security of their persons and property, and the preservation of their honor, are to-day confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full entire effect.

All the privileges and spiritual immunities granted by my ancestors *ab antiquo,* and at subsequent dates, to all Christian communities or other non-Mussulman persuasions established in my empire, under my protection, shall be confirmed and maintained.

Every Christian or other non-Mussulman community shall be bound within a fixed period, and with the concurrence of a commission composed *ad hoc* of members of its own body, to proceed, with my high approbation and under the inspection of my Sublime Porte, to examine into its actual immunities and privileges, and to discuss and submit to my Sublime Porte the reforms required by the progress of civilization and of the age. The powers conceded to the Christian patriarchs and bishops by the Sultan Mahomet II and by his successors shall be made to harmonize with the new position which my generous and beneficient intentions insure to these communities.

The principle of nominating the patriarchs for life, after the revision of the rule of election now in force, shall be exactly carried out, conformably to the tenor of their firmans of investiture.

The patriarchs, metropolitans, archbishops, bishops, and rabbins shall take an oath, on their entrance into office, according to a form agreed upon in common by my Sublime Porte and the spiritual heads of the different religious communities. The ecclesiastical dues, of whatever sort or nature they be, shall be abolished and replaced by fixed revenues of the patriarchs and heads of communities, and by the allocations of allowances and salaries equitably proportioned to the importance, the rank, and the

dignity of the different members of the clergy.

The property, real or personal, of the different Christian ecclesiastics shall remain intact; the temporal administration of the Christian or other non-Mussulman communities shall, however, be placed under the safeguard of an assembly to be chosen from among the members, both ecclesiastics and laymen, of the said communities.

In the towns, small boroughs, and villages where the whole population is of the same religion, no obstacle shall be offered to the repair, according to their original plan, of buildings set apart for religious worship, for schools, for hospitals, and for cemeteries.

The plans of these different buildings, in case of their new erection, must, after having been approved by the patriarchs or heads of communities, be submitted to my Sublime Porte, which will approve of them by my imperial order, or make known its observations upon them within a certain time. Each sect, in localities where there are no other religious denominations, shall be free from every species of restraint as regards the public exercise of its religion.

In the towns, small boroughs, and villages where different sects are mingled together, each community inhabiting a distinct quarter shall, by conforming to the above-mentioned ordinances, have equal power to repair and improve its churches, its hospitals, its schools, and its cemeteries. When there is question of their erection of new buildings, the necessary authority must be asked for, through the medium of the patriarchs and heads of communities, from my Sublime Porte, which will pronounce a sovereign decision according that authority, except in the case of administrative obstacles.

The intervention of the administrative authority in all measures of this nature will be entirely gratuitous. My Sublime Porte will take energetic measures to insure to each sect, whatever be the number of its adherents, entire freedom in the exercise of its religion. Every distinction or designation pending to make any class whatever of the subjects of my empire inferior to another class, on account of their religion, language, or race, shall be forever effaced from administrative protocol. The laws shall be put in force against the use of any injurious or offensive term, either among private individuals or on the part of the authorities.

As all forms of religion are and shall be freely professed in my dominions, no subject of my empire shall be hindered in the exercise of the religion that he professes, nor shall he be in any way annoyed on this account. No one shall be compelled to change their religion.

The nomination and choice of all functionaries and other employés of my empire being wholly dependent upon my sovereign will, all the subjects of my empire, without distinction of nationality, shall be admissible to public employments, and qualified to fill them according to their capacity and merit, and conformably with rules to be generally applied.

All the subjects of my empire, without distinction, shall be received into the civil and military schools of the government, if they otherwise satisfy the conditions as to age and examination which are specified in the organic regulations of the said schools. Moreover, every community is authorized to establish public schools of science, art, and industry. Only the method of instructions and the choice of professors in schools of this class shall be under the control of a mixed council of public instruction, the members of which shall be named by my sovereign command.

All commercial, correctional, and criminal suits between Mussulmans and Christians, or other non-Mussulman subjects, or between Christian or other non-Mussulmans of different sects, shall be referred to mixed tribunals.

The proceedings of these tribunals shall be public; the parties shall be confronted and shall produce their witnesses, whose testimony shall be received without distinction, upon an oath taken according to the religious law of each sect.

Suits relating to civil affairs shall continue to be publicly tried, according to the laws and regulations, before the mixed provincial councils, in the presence of the governor and judge of the place.

Special civil proceedings, such as those

relating to successions or others of that kind, between subjects of the same Christian or other non-Mussulman faith, may, at the request of the parties, be sent before the councils of the patriarchs or of the communities.

Penal, correctional, and commercial laws, and rules of procedure for the mixed tribunals, shall be drawn up as soon as possible and formed into a code. Translations of them shall be published in all the languages current in the empire.

Proceedings shall be taken, with as little delay as possible, for the reform of the penitentiary system as applied to houses of detention, punishment, or correction, and other establishments of like nature, so as to reconcile the rights of humanity with those of justice. Corporal punishment shall not be administered, even in the prisons, except in conformity with the disciplinary regulations established by my Sublime Porte; and everything that resembles torture shall be entirely abolished.

Infractions of the law in this particular shall be severely repressed, and shall besides entail, as of right, the punishment, in conformity with the civil code, of the authorities who may order and of the agents who may commit them.

The organization of the police in the capital, in the provincial towns and in the rural districts, shall be revised in such a manner as to give to all the peaceable subjects of my empire the strongest guarantees for the safety both of their persons and property.

The equality of taxes entailing equality of burdens, as equality of duties entails that of rights, Christian subjects, and those of other non-Mussulman sects, as it has been already decided, shall, as well as Mussulmans, be subject to the obligations of the law of recruitment.

The principle of obtaining substitutes, or of purchasing exemption, shall be admitted. A complete law shall be published, with as little delay as possible, respecting the admission into and service in the army of Christian and other non-Mussulman subjects.

Proceedings shall be taken for a reform in the constitution of the provincial and communal councils in order to insure fairness in the choice of the deputies of the Mussulman, Christian, and other communities and freedom of voting in the councils. My Sublime Porte will take into consideration the adoption of the most effectual means for ascertaining exactly and for controlling the result of the deliberations and of the decisions arrived at.

As the laws regulating the purchase, sale, and disposal of real property are common to all the subjects of my empire, it shall be lawful for foreigners to possess landed property in my dominions, conforming themselves to the laws and police regulations, and bearing the same charges as the native inhabitants, and after arrangements have been come to with foreign powers.

The taxes are to be levied under the same denomination from all the subjects of my empire, without distinction of class or of religion. The most prompt and energetic means for remedying the abuses in collecting the taxes, and especially the tithes, shall be considered.

The system of direct collections shall gradually, and as soon as possible, be substituted for the plan of farming, in all the branches of the revenues of the state. As long as the present system remains in force all agents of the government and all members of the medjlis shall be forbidden, under the severest penalties, to become lessees of any farming contracts which are announced for public competition, or to have any beneficial interest in carrying them out. The local taxes shall, as far as possible, be so imposed as not to affect the sources of production or to hinder the progress of internal commerce.

Works of public utility shall receive a suitable endowment, part of which shall be raised from private and special taxes levied in the provinces, which shall have the benefit of the advantages arising from the establishment of ways of communication by land and sea.

A special law having been already passed, which declares that the budget of the revenue and the expenditure of the state shall be drawn up and made known every year,

the said law shall be most scrupulously observed. Proceedings shall be taken for revising the emoluments attached to each office.

The heads of each community and a delegate, designated by my Sublime Porte, shall be summoned to take part in the deliberations of the supreme council of justice on all occasions which might interest the generality of the subjects of my empire. They shall be summoned specially for this purpose by my grand vizier. The delegates shall hold office for one year; they shall be sworn on entering upon their duties. All the members of the council, at the ordinary and extraordinary meetings, shall freely give their opinions and their votes, and no one shall ever annoy them on this account.

The laws against corruption, extortion, or malversation shall apply, according to the legal forms, to all the subjects of my empire, whatever may be their class and the nature of their duties.

Steps shall be taken for the formation of banks and other similar institutions, so as to effect a reform in the monetary and financial system, as well as to create funds to be employed in augmenting the sources of the material wealth of my empire. Steps shall also be taken for the formation of roads and canals to increase the facilities of communication and increase the sources of the wealth of the country.

Everything that can impede commerce or agriculture shall be abolished. To accomplish these objects means shall be sought to profit by the science, the art, and the funds of Europe, and thus gradually to execute them.

Such being my wishes and my commands, you, who are my grand vizier, will, according to custom, cause this imperial firman to be published in my capital and in all parts of my empire; and you will watch attentively and take all the necessary measures that all the orders which it contains be henceforth carried out with the most rigorous punctuality.

66. THE TREATY OF PEACE (PARIS) TERMINATING THE CRIMEAN WAR, WITH PERTINENT ANNEXED CONVENTIONS

30 March 1856

(Ratifications exchanged, Paris, 27 April 1856)

[Great Britain, *Parliamentary Papers, 1856,* vol. 61, pp. 19–34]

The treaty of Paris formally admitted the Ottoman Empire to the concert of Europe. The European signatories—Austria, France, Great Britain, Prussia, Russia, and Sardinia—engaged jointly to respect and guarantee the integrity and independence of the Ottoman Empire. The Black Sea was neutralized. Sardinia participated in the negotiations because it had entered the war in January 1855; Austria because the Sublime Porte had permitted Austrian troops in June 1854 to occupy Moldavia and Walachia (forming part of present-day Rumania) for the war's duration; and Prussia because it had been a party to the straits convention of 13 July 1841 (see Doc. 52). Omitted from the main treaty below are articles 15–29 relating to the Balkans and 33–34 relating to the Aland Islands. Annexed to the treaty were three separate conventions: the first signed by all the parties, reaffirming the 1841 straits convention; the second by Russia and Turkey, stipulating the kinds and number of war vessels which the two powers were authorized to maintain in the Black Sea; and the third (not reproduced here) by Britain, France, and Russia concerning the demilitarization of the Aland Islands. J. A. R. Marriott, *Eastern Question* (4th ed.), pp. 249–84; É. Driault, *La Question d'orient* (7th ed.), pp. 166–84; Lord G. J. S. Eversley and Sir V. Chirol, *The Turkish Empire* (2nd ed.), chap. 20; on the straits question, see P. H. Mischef, *La Mer Noire,* chap. 6; S. Goriainow, *Le Bosphore,* chap. 11; C. Phillipson and N. Buxton, *The Bosphorus,* part 2, chap. 5; J. T. Shotwell and F. Deák, *Turkey at the Straits,* chap. 5; E. Anchieri, *Constantinopoli e gli Stretti,* pp. 39–46; V. J. Puryear, *England, Russia, and the Straits Question,* chaps. 6–7; H. Temperley, "The Treaty of Paris of 1856 and Its Execution," *Journal of Modern History,* 4 (1932), 387–414, 523–43.

1. GENERAL TREATY

ART. I. From the day of the exchange of the ratifications of the present Treaty, there shall be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, His Majesty the King of Sardinia, His Imperial Majesty the Sultan, on the one part, and His Majesty the Emperor of all the Russias, on the other part; as well as between their heirs and successors, their respective dominions and subjects, in perpetuity.

ART. II. Peace being happily reestablished between their said Majesties, the territories conquered or occupied by their armies during the war shall be reciprocally evacuated.

Special arrangements shall regulate the mode of the evacuation, which shall be as prompt as possible.

ART. III. His Majesty the Emperor of all the Russias engages to restore to His Majesty the Sultan the town and citadel of Kars, as well as the other parts of the Ottoman territory of which the Russian troops are in possession.

ART. IV. Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the King of Sardinia, and the Sultan, engage to restore to His Majesty the Emperor of all the Russias, the towns and ports of Sebastopol, Balaklava, Kamiesch, Eupatoria, Kertch, Jenikale, Kinburn, as well as all other territories occupied by the allied troops.

ART. V. Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Sultan, grant a full and entire amnesty to those of their subjects who may have been compromised by any participation whatsoever in the events of the war in favour of the cause of the enemy.

It is expressly understood that such amnesty shall extend to the subjects of each of the belligerent parties who may have continued, during the war, to be employed in the service of one of the other belligerents.

ART. VI. Prisoners of war shall be immediately given up on either side.

ART. VII. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, His Majesty the Emperor of the French, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, and His Majesty the King of Sardinia, declare the Sublime Porte admitted to participate in the advantages of the public law and system (*concert*) of Europe. Their Majesties engage, each on his part, to respect the independence and the territorial integrity of the Ottoman Empire; guarantee in common the strict observance of that engagement; and will, in consequence, consider any act tending to its violation as a question of general interest.

ART. VIII. If there should arise between the Sublime Porte and one or more of the other signing Powers, any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte, and each of such Powers, before having recourse to the use of force, shall afford the other Contracting Parties the opportunity of preventing such an extremity by means of their mediation.

ART. IX. His Imperial Majesty the Sultan, having, in his constant solicitude for the welfare of his subjects, issued a firman which, while ameliorating their condition without distinction of religion or of race, records his generous intentions towards the Christian population of his Empire, and wishing to give a further proof of his sentiments in that respect, has resolved to communicate to the Contracting Parties the said firman, emanating spontaneously from his sovereign will.

The Contracting Parties recognize the high value of this communication. It is clearly understood that it cannot, in any case, give to the said Powers the right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, nor in the internal administration of his Empire.

ART. X. The Convention of the 13th of

July, 1841, which maintains the ancient rule of the Ottoman Empire relative to the closing of the Straits of the Bosphorus and of the Dardanelles, has been revised by common consent.

The Act concluded for that purpose, and in conformity with that principle, between the High Contracting Parties, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof.

ART. XI. The Black Sea is neutralized: its waters and its ports, thrown open to the mercantile marine of every nation, are formally and in perpetuity interdicted to the flag of war, either of the Powers possessing its coasts, or of any other Power, with the exceptions mentioned in Articles XIV and XIX of the present Treaty.

ART. XII. Free from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions.

In order to afford to the commercial and maritime interests of every nation the security which is desired, Russia and the Sublime Porte will admit Consuls into their ports situated upon the coast of the Black Sea, in conformity with the principles of international law.

ART. XIII. The Black Sea being neutralized according to the terms of Article XI, the maintenance or establishment upon its coast of military-maritime arsenals becomes alike unnecessary and purposeless: in consequence, His Majesty the Emperor of all the Russias, and His Imperial Majesty the Sultan engage not to establish or to maintain upon that coast any military-maritime arsenal.

ART. XIV. Their Majesties the Emperor of all the Russias and the Sultan having concluded a Convention for the purpose of settling the force and the number of light vessels, necessary for the service of their coasts, which they reserve to themselves to maintain in the Black Sea, that Convention is annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof. It cannot be either annulled or modified without the assent of the Powers signing the present Treaty. . . .

ART. XXX. His Majesty the Emperor of all the Russias and His Majesty the Sultan maintain, in its integrity, the state of their possessions in Asia, such as it legally existed before the rupture.

In order to prevent all local dispute the line of frontier shall be verified, and, if necessary, rectified, without any prejudice as regards territory being sustained by either Party.

For this purpose a Mixed Commission, composed of two Russian Commissioners, two Ottoman Commissioners, one English Commissioner, and one French Commissioner, shall be sent to the spot immediately after the reestablishment of diplomatic relations between the Court of Russia and the Sublime Porte. Its labours shall be completed within the period of eight months after the exchange of the ratifications of the present Treaty.

XXXI. The territories occupied during the war by the troops of Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, and the King of Sardinia, according to the terms of the Conventions signed at Constantinople on the twelfth of March, one thousand eight hundred and fifty-four, between Great Britain, France, and the Sublime Porte; on the fourteenth of June of the same year between Austria and the Sublime Porte; and on the fifteenth of March, one thousand eight hundred and fifty-five, between Sardinia and the Sublime Porte; shall be evacuated as soon as possible after the exchange of the ratifications of the present Treaty. The periods and the means of execution shall form the object of an arrangement between the Sublime Porte and the Powers whose troops have occupied its territory.

ART. XXXII. Until the Treaties or Conventions which existed before the war between the belligerent Powers have been either renewed or replaced by news Acts,

commerce of importation, or of exportation shall take place reciprocally on the footing of the regulations in force before the war; and in all other matters their subjects shall be respectively treated upon the footing of the most favoured nation. . . .

ADDITIONAL AND TRANSITORY ARTICLE. The stipulations of the Convention respecting the Straits, signed this day, shall not be applicable to the vessels of war employed by the belligerent Powers for the evacuation, by sea, of the territories occupied by their armies; but the said stipulations shall resume their entire effect as soon as the evacuation shall be terminated. . . .

2. CONVENTION ON THE STRAITS, SIGNED BY ALL PARTIES TO THE GENERAL TREATY

ART. I. His Majesty the Sultan, on the one part, declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has, at all times, been prohibited for the ships of war of foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus; and that, so long as the Porte is at peace, His Majesty will admit no foreign ship of war into the said Straits.

And Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of all the Russias, and the King of Sardinia, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

ART. II. The Sultan reserves to himself, as in past times, to deliver firmans of passage for light vessels under flag of war, which shall be employed, as is usual, in the service of the Missions of Foreign Powers.

ART. III. The same exception applies to the light vessels under flag of war, which each of the Contracting Powers is authorised to station at the mouths of the Danube in order to secure the execution of the regulations relative to the liberty of that river, and the number of which is not to exceed two for each Power.

3. CONVENTION LIMITING NAVAL FORCE IN THE BLACK SEA, SIGNED BY RUSSIA AND THE OTTOMAN EMPIRE

ART. I. The High Contracting Parties mutually engage not to have in the Black Sea any other vessels of war than those of which the number, the force, and the dimensions are hereinafter stipulated.

ART. II. The High Contracting Parties reserve to themselves each to maintain in that sea six steam-vessels of fifty mètres in length at the line of floatation, of a tonnage of eight hundred tons at the maximum, and four light steam or sailing vessels of a tonnage which shall not exceed two hundred tons each.

67. TREATY GUARANTEEING THE INDEPENDENCE AND INTEGRITY OF THE OTTOMAN EMPIRE: AUSTRIA, FRANCE, AND BRITAIN
15 April 1856

(Ratifications exchanged, Paris, 29 April 1856)

[Great Britain, *Parliamentary Papers, 1856,* vol. 61, pp. 444–45]

In this treaty the three powers agreed to consider any infraction of the treaty of Paris as a *casus belli.* For references, see Doc. 66.

ART. I. The High Contracting Parties guarantee, jointly and severally, the independence and the integrity of the Ottoman Empire, recorded in the Treaty concluded at Paris on the thirtieth of March, one thousand eight hundred and fifty-six.

ART. II. Any infraction of the stipulations of the said Treaty will be considered by the Powers signing the present Treaty as *casus belli.* They will come to an understanding with the Sublime Porte as to the measures which have become necessary, and will without delay determine among themselves as to the employment of their military and naval forces.

68. LEASE BY PERSIA TO MASQAT OF BANDAR 'ABBAS, QISHM AND HURMUZ
17 November 1856

[Sir Edward Hertslet, *Persia Treaties* (London, 1891), pp. 112–115]

Persia in 1798 leased to the ruler of Masqat for an annual payment of 6,000 tomans (approximately $15,000) Bandar 'Abbas and the islands of Qishm and Hurmuz, which had figured prominently in European trade with the Persian Gulf area in the sixteenth to the eighteenth centuries. The Masqati shaykh in 1822 permitted the British to establish a naval base at Basidu, at the northwest end of Qishm, which served until 1879 as the headquarters of the Indian naval squadron maintained in the Persian Gulf to suppress piracy and the slave traffic and, after 1835, to supervise the maritime truce. The Persians expelled the Masqati governor from Bandar 'Abbas in 1853 and did not renew the arrangement until 17 November 1856, when the annual payment was increased to 14,000 tomans (about $35,000). This agreement was superseded on 4 August 1868 by yet another (text in C. U. Aitchison, *Collection of Treaties* (4th ed.), vol. 12, pp. cxlii–iv), which again more than doubled the yearly tribute to 30,000 tomans (about $75,000). "In the same year [October 1868], however, the Sultan was expelled from Muscat by a successful revolt," reports G. N. Curzon (*Persia and the Persian Question,* vol. 2, p. 424), "and the Persian Government, taking advantage of a clause in the lease [article 12], allowing them to cancel the contract if a conqueror obtained possession of Muscat, installed their own governor at Bunder Abbas, and have retained possession of the place ever since." Curzon, *op. cit.*, pp. 410–27; see also references to Doc. 74.

I. The Ruler of Bender-'Abbas, who is on the part of the 'Imam, possessed of magnificence, the Seyyid Sa'id, over '[in] Bender-'Abbas, and Shemil and Mina, and the two islands 'El-Qishm ("Kishm") and Hurmuz ("Ormuz"), together with the appended territories, is appointed and commissioned, and shall deliver to the Agents of the Exalted Government [of Persia] a document to the following effect, namely:—

Bender-'Abbas, with all its Dependencies, as well as the appendages of that frontier, is [shall be] placed [accounted] as a portion of the territories of Persia (or, "Fars"), and the Ruler of the whole of that frontier is subject to the exalted Government of 'Iran (Persia).

II. The said Ruler, when there shall proceed from him a derogatory act in the affair of the frontiers, when upon investigation, a derogatory act shall have proceeded from him, [then], by the mere notification from His Highness the Governor-General (Ferman-ferma, Command-issuer) of Fars to His Highness the Imam, the said Ruler shall be deposed and another appointed speedily.

III. In the said sea-port town ("bender") there shall be no new building erected, such as castles or towers; but, if repair be needed, it shall be repaired, and any repeated digging of the moat shall not be, the former castles with the towers being sufficient without erection of new castles or digging of a moat.

IV. If at any time His Highness the Governor-General of Fars shall move towards the Territories of Bender-'Abbas in view of relaxation, the Ruler of Bender-'Abbas shall arise and continue at his service like other Rulers of towns [or countries] in the parts requiring services, meeting him with ceremonial honours and respect, and receiving him with the most sacred, most holy attentions and marks of favour.

V. On the days of the Festivals, on Fridays, and on the birthday of the centre of the aspect of the Universe, the very great Shah, on which the flag of the Badshah shall be hoisted in Bender-'Abbas for the sake of a blessing and of joy, there shall also be appointed a sufficient number of workmen to execute this service, so that there be no negligence in this respect.

VI. [In] the villages and parishes which may be in the jurisdiction of the Ruler of Bender-'Abbas, in a more general sense, of

the territory of Fars or Kirman, the Ruler of Bender-'Abbas shall not exercise any control or interference therein.

And if it be that troops, on the part of the exalted Government [of Persia], be on their way to the countries of the Bulush (Belooches), or any other parts, passing the frontiers of Bender-'Abbas, then the Rulers who may be [acting] on your part shall give them provisions and a guide for the heaven-assisted [Persian] forces, taking from them a receipt. They shall render them requisite services, as also the subjects (Ri'aya) of Mina and Shemil, and of those parts which, in the space of the last two years, have served the exalted Government in fidelity, and are known to His Highness the most sacred and holy.

From this day forward, the Ruler of Bender-'Abbas shall not turn against them any evidence, or seek to cavil against them on the subject of damage or the like.

VII. If any one of the subjects of Fars should run away and flee to the said frontiers, and join you, [then,] on the mere indication of his most sacred Highness the Governor-General, the fugitives shall be delivered over to him.

VIII. The regular revenue and the *honorarium* are 14,000 tomans; in this wise: the revenue is 12,000 tomans, and the *honorarium* 2,000 tomans, in every year; this being paid in four instalments, delivered, and receipts shall be given to all the Rulers.

IX. The properties of Persian merchants impounded in Kishm shall be entirely and totally released and delivered to their representatives, who shall give receipts on delivery of their goods.

X. From the tenour of what the merchants, subjects of the exalted Government of Persia, have represented, that formerly one of the Baniyans (Banians), who farmed the dues of the Bay of Masgat (Muscat), had some one on his part, who resided in Bender-'Abbas, over the commercial effects belonging to the subjects of the exalted Government of Iran, which were carried from Bender-'Abbas to India and other parts, and who used to collect from them the Muscat duties, &c., at Bender-'Abbas. And that, in all countries [towns], and with all Governments, this custom [due] does not exist [that], a thing which does not enter the country [town], they [should] take tithes therefrom. And this is contrary to the rule and the law; indeed, it is an evident innovation [that] property which does not enter the country [town] should be made liable to tithes. It is necessary that His Highness the Imam should do away with this innovation altogether. And whosoever introduces commercial effects into Bender-'Abbas from any places henceforward, let them deliver up the tithes [thereof] in like manner as took place in the time of Seyf, son of Mihnan, not more.

69. TREATY OF FRIENDSHIP AND COMMERCE: THE UNITED STATES AND PERSIA

13 December 1856

(Ratifications exchanged, Istanbul, 13 June 1857; unilaterally terminated by Persia on 10 May 1928)

[*U. S. Treaty Series*, No. 273]

The U. S. Minister at Istanbul on 9 October 1851 signed with the chargé d'affaires of the Persian Legation a treaty of amity, commerce, and navigation (text in H. Miller, *Treaties and other International Acts of the U. S.*, vol. 7, pp. 453–57), patterned after that between Persia and Spain of 1842 (text in Edward Hertslet, *Persia Treaties*, pp. 140–43). The treaty with the United States, framed on Persian initiative, never entered into force because of the shah's failure in the spring of 1852 even to respond to the Senate's recommended inclusion of an additional article that would assure American and Persian subjects most favored nation treatment on a reciprocal basis. U. S. officials at the time attributed to British intrigue the shah's unexplained silence. Late in 1854 the Persian Chargé d'Affaires at

Istanbul again approached the U. S. Minister, proposing the negotiation *de novo* of a fresh commercial agreement and suggesting that the shah was also "desirous to buy or have constructed in the United States several vessels of war and to procure the services of American officers and seamen to navigate them." The Persian government simultaneously attempted to open conversations for the same end with the American minister at Vienna. The Secretary of State for his part in mid-May 1855 instructed the U. S. Minister at St. Petersburg to seek the friendly intervention of Russia's Count Nesselrode—who was probably one of the principal instigators in the first place of the Persian overtures of 1854–55. Throughout two years of interrupted parleys, which finally centered in Istanbul, the United States appeared excessively suspicious of the United Kingdom from which it tried, unsuccessfully, to keep all intelligence of the negotiations. Thus did the United States sink knee-deep, apparently without full realization of what was happening, into the quagmire of European politics over the Eastern Question during the Crimean War. In the end the United States managed to obtain a treaty of friendship and commerce, unencumbered by the naval aid agreement that Nasir-al-Din Shah and his councillors so ardently desired. The commercial instrument with the United States was almost a replica of one that Persia concluded with France on 12 July 1855 (French text in *British and Foreign State Papers,* vol. 45, pp. 869–71), which had set a record in Persia for the exchange of ratifications—only forty-eight hours after signature. The haste could be explained, in part, by France's frustrations with earlier Persian commercial treaties—those of 1708 and 1715 (Docs. 13, 15) which never went into practical effect because of the fall of the Safavi dynasty and those of 1808 (Doc. 31) and 1847 for which the exchange of ratifications never took place. On Perso-American negotiations, see Miller, *op. cit.*, pp. 429–89; F. Adamiyat, *Bahrein Islands,* 144–54; on French negotiations, see A. A. Siassi, *La Perse au contact de l'occident,* chap. 13; R. Vadala, *Le Golfe Persique.*

ART. I. There shall be hereafter a sincere and constant good understanding between the Government and citizens of the United States of North America and the Persian Empire and all Persian subjects.

ART. II. The Ambassadors or Diplomatic agents, whom it may please either of the two high contracting parties to send and maintain near the other, shall be received and treated, they and all those composing their Missions, as the Ambassadors and Diplomatic agents of the most favored nations are received and treated in the two respective countries: and they shall enjoy there, in all respects, the same prerogatives and immunities.

ART. III. The citizens and subjects of the two high contracting parties, travellers, merchants, manufacturers and others, who may reside in the Territory of either Country, shall be respected and efficiently protected by the authorities of the Country and their agents, and treated in all respects as the subjects and citizens of the most favored Nation are treated.

They may reciprocally bring by land or by sea into either Country, and export from it all kinds of merchandise and products, and sell, exchange or buy, and transport them to all places in the Territories of either of the high contracting parties. It being however understood that the merchants of either nation, who shall engage in the internal commerce of either country, shall be governed, in respect to such commerce by the laws of the country in which such commerce is carried on; and in case either of the High contracting powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other Governments the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

ART. IV. The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored Nation, and no exceptional tax under any name or pretext whatever shall be collected on them in either of the two Countries.

ART. V. All suits and disputes arising in

Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or agent of the United States may reside, and shall be discussed and decided according to Equity, in the presence of an employé of the Consul or agent of the United States.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States, shall be referred entirely for trial and for adjudication to the Consul or agent of the United States residing in the Province wherein such suits and disputes may have arisen, or in the Province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers shall be tried and adjudicated by the intermediation of their respective Consuls or agents.

In the United States Persian subjects in all disputes arising between themselves, or between them and citizens of the United States or Foreigners shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia shall when charged with criminal offences be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

ART. VI. In case of a citizen or subject of either of the contracting parties dying within the Territories of the other, his effects shall be delivered up integrally to the family or partners in business of the Deceased, and in case he has no relations or partners, his effects in either Country shall be delivered up to the Consul or agent of the Nation of which the Deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

ART. VII. For the protection of their citizens or subjects and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of Government, and to name each three Consuls in either Country, those of the United States shall reside at Teheran, Bender Bushir, and Tauris; those of Persia at Washington, New York and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, privileges and immunities granted in either country to the Consuls of the most favored Nation.

The Diplomatic Agent or Consuls of the United States shall not protect secretly or publicly the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their Nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the High contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by Treaty to those of Russia residing in Persia.

ART. VIII. And the high contracting parties agree that the present Treaty of Friendship and Commerce cemented by the sincere good feeling, and confidence which exists between the Governments of the United States and Persia, shall be in force for the term of ten years from the exchange of its ratification, and if before the expiration of the first ten years neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time

may be at which it may take place; and the Plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective Governments at Constantinople in the space of six months or earlier if practicable.

70. TREATY OF PEACE (PARIS): BRITAIN AND PERSIA
4 March 1857

(Ratifications exchanged, Baghdad, 2 May 1857)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, pp. 81–86]

Although Persia remained neutral throughout the Crimean War, the enforced engagement of 1853 not to annex Herat (Doc. 60) continued to irk Nasir-al-Din Shah. Growing tension between Britain and Persia, encouraged by Russia, produced a rupture of Anglo-Persian relations in December 1855. The shah then felt free to undertake a campaign against Herat, which his troops invested and eventually entered on 26 October 1856. British military units from India retaliated by occupying on 4 December the island of Kharak at the head of the Persian Gulf and landing five days later on the Persian mainland. The shah, meanwhile, had appointed Farrukh Khan Amin-al-Mulk as plenipotentiary to Paris to negotiate, through the good offices of France, a settlement of Anglo-Persian differences. Reaching Istanbul on 16 October 1856, Farrukh Khan opened conversations with Viscount Stratford de Redcliffe. The Istanbul parleys, however, led nowhere, despite the Persian dignitary's assent to Viscount de Redcliffe's stiff conditions—the abandonment of Herat and of Persian claims to Afghanistan, the dismissal of the *sadri a'azam* (the shah's chief councillor), the appointment of British consuls in places additional to those listed in the 1841 treaty (Doc. 53) and "the acknowledgement of the Sovereign rignts of the Imam of Muscat over certain towns hitherto held by him under the Shah." Farrukh Khan finally proceeded on 22 December 1856 to Paris, where less than two and one-half months later he and Lord Cowley, the British Ambassador, agreed upon the following terms. Because of inadequate communications, Anglo-Persian fighting continued for several weeks after the signature of the treaty. British extraterritorial and consular privileges in Persia rested thereafter on the most favored nation principle, unconditionally reaffirmed in article 9. A Persian account of Farrukh Khan's mission, written by Mirza Husayn ibn 'Abdallah, a member of the delegation, still remains in manuscript. H. Miller, *Treaties and Other International Acts of the U.S.*, vol. 7, pp. 474–82; R. G. Watson, *History of Persia*, chaps. 14–15; J. Outram, *Persian Campaign in 1857;* L. J. Trotter, *The Bayard of India, a Life of General Sir James Outram*, chap. 15; C. R. Low, *History of Indian Navy*, vol. 2, chap. 7; G. H. Hunt, *Outram and Havelock's Persian Campaign.*

ART. 1. From the day of the exchange of the ratifications of the present Treaty there shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland on the one part and His Majesty the Shah of Persia on the other, as likewise between their respective successors, dominions and subjects.

ART. 2. Peace being happily concluded between their said Majesties, it is hereby agreed that the forces of Her Majesty the Queen shall evacuate the Persian territory, subject to conditions and stipulations hereafter specified.

ART. 3. The high contracting parties stipulate that all prisoners taken during the war by either belligerent shall be immediately liberated.

ART. 4. His Majesty the Shah of Persia engages, immediately on the exchange of the ratifications of this Treaty, to publish a full and complete amnesty, absolving all Persian subjects who may have in any way been compromised by their intercourse with the British forces during the war from any responsibility for their conduct in that respect, so that no persons, of whatever degree, shall be exposed to vexation, persecution, or punishment on that account.

ART. 5. His Majesty the Shah of Persia engages further to take immediate measures for withdrawing from the territory and city of Herat, and from every other

part of Afghanistan, the Persian troops and authorities now stationed therein; such withdrawal to be effected within three months from the date of the exchange of the ratifications of this Treaty.

ART. 6. His Majesty the Shah of Persia agrees to relinquish all claims to sovereignty over the territory and city of Herat and the countries of Afghanistan, and never to demand from the Chiefs of Herat, or of the countries of Afghanistan, any marks of obedience, such as the coinage, or "Khootbeh", or tribute.

His Majesty further engages to abstain hereafter from all interference with the internal affairs of Afghanistan. His Majesty promises to recognise the independence of Herat and of the whole of Afghanistan, and never to attempt to interfere with the independence of those States.

In case of differences arising between the government of Persia and the countries of Herat and Afghanistan, the Persian Government engages to refer them for adjustment to the friendly offices of the British Government, and not to take up arms unless those friendly offices fail of effect.

The British Government, on their part, engage at all times to exert their influence with the States of Afghanistan, to prevent any cause of umbrage being given by them, or by any of them, to the Persian Government; and the British Government, when appealed to by the Persian Government, in the event of difficulties arising, will use their best endeavours to compose such differences in a manner just and honourable to Persia.

ART. 7. In case of any violation of the Persian frontier by any of the States referred to above, the Persian Government shall have the right, if due satisfaction is not given, to undertake military operations for the repression and punishment of the aggressors; but it is distinctly understood and agreed to that any military force of the Shah which may cross the frontier for the above-mentioned purpose shall retire within its own territory as soon as its object is accomplished, and that the exercise of the above-mentioned right is not to be made a pretext for the permanent occupation by Persia, or for the annexation to the Persian dominions, of any town or portion of the said States.

ART. 8. The Persian Government engages to set at liberty without ransom, immediately after the exchange of the ratifications of this Treaty, all prisoners taken during the operations of the Persian troops in Afghanistan, and all Afghans who may be detained either as hostages or as captives on political grounds in any part of the Persian dominions shall, in like manner, be set free; provided that the Afghans, on their part, set at liberty, without ransom, the Persian prisoners and captives who are in the power of the Afghans.

Commissioners on the part of the two contracting powers shall, if necessary, be named to carry out the provisions of this Article.

ART. 9. The high contracting parties engage that, in the establishment and recognition of Consuls-General, Consuls, Vice-Consuls and Consular Agents, each shall be placed in the dominions of the other on the footing of the most favoured nation; and that the treatment of their respective subjects and their trade shall also, in every respect, be placed on the footing of the treatment of the subjects and commerce of the most favored nation.

ART. 10. Immediately after the ratifications of this Treaty have been exchanged the British mission shall return to Tehran, when the Persian Government agrees to receive it with the apologies and ceremonies specified in the separate note signed this day by the plenipotentiaries of the high contracting parties.

ART. 11. The Persian Government engages, within three months after the return of the British mission to Tehran, to appoint a Commissioner, who, in conjunction with a Commissioner to be appointed by the British Government, shall examine into and decide upon the pecuniary claims of all British subjects upon the government of Persia, and shall pay such of those claims as may be pronounced just, either in one sum or by instalments, within a period not exceeding one year from the date of the award of the Commissioners, and the same

Commissioners shall examine into and decide upon the claims on the Persian Government of all Persian subjects, or the subjects of other powers, who, up to the period of the departure of the British mission from Tehran, were under British protection, which they have not since renounced.

ART. 12. Saving the provisions in the latter part of the preceding Article, the British Government will renounce the right of protecting hereafter any Persian subject not actually in the employment of the British mission, or of British Consuls-General, Consuls, Vice-Consuls, or Consular Agents, provided that no such right is accorded to or exercised by any other foreign powers; but in this, as in all other respects, the British Government requires, and the Persian Government engages, that the same privileges and immunities shall in Persia be conferred upon and shall be enjoyed by the British Government, its servants and its subjects, and that the same respect and consideration shall be shown for them, and shall be enjoyed by them, as are conferred upon and enjoyed by and shown to the most favoured foreign government, its servants and its subjects.

ART. 13. The high contracting parties hereby renew the agreement entered into by them in the month of August 1851 (Shawal 1267) for the suppression of the slave trade in Persian Gulf, and engage further that the said agreement shall continue in force after the date at which it expires, that is, after the month of August 1862, for the further space of ten years and for so long afterwards as neither of the high contracting parties shall, by a formal declaration, annul it; such declaration not to take effect until one year after it is made.

ART. 14. Immediately on the exchange of the ratifications of this Treaty, the British troops will desist from all acts of hostility against Persia, and the British Government engages further that as soon as the stipulations in regard to the evacuation by the Persian troops of Herat and the Afghan territories, as well as in regard to the reception of the British mission at Tehran, shall have been carried into full effect, the British troops shall, without delay, be withdrawn from all ports, places, and islands belonging to Persia; but the British Government engages that, during this interval, nothing shall be designedly done by the Commander of the British troops to weaken the allegiance of the Persian subjects towards the Shah, which allegiance it is, on the contrary, their earnest desire to confirm; and further the British Government engages that, as far as possible, the subjects of Persia shall be secured against inconvenience from the presence of the British troops, and that all supplies which may be required for the use of those troops, and which the Persian Government engages to direct its authorities to assist them in procuring, shall be paid for, at the fair market price, by the British Commissariat immediately on delivery.

71. CONVENTION ON MEASURES FOR PACIFYING SYRIA (AND LEBANON): AUSTRIA, FRANCE, GREAT BRITAIN, PRUSSIA, RUSSIA, AND THE OTTOMAN EMPIRE

5 September 1860

(Ratifications exchanged, Paris, 18 October 1860)

[Great Britain, *Parliamentary Papers, 1861,* vol. 68, pp. 5–6]

The massacre by Druzes of thousands of Christians in Lebanon (29 May–10 July 1860) and by Muslims of thousands more in Damascus (9–11 July 1860) could be traced in part to the complicity of Ottoman officials and in part to internal social ferment. Once the crisis was precipitated, European rivalry sharpened, as France rallied to the support of the Maronites and Britain to that of the Druzes (Docs. 54, 58). European intervention, however, stemmed largely from the initiative of France, which the other powers suspected of seeking to annex the territory. For this reason Britain, in particular, insisted upon the issuance by the European

signatories of a self-denying protocol on 3 August 1860, when the terms of the convention were framed in Paris, declaring "in the most formal manner, that the Contracting Powers do not intend to seek for, and will not seek for, in the execution of their engagements, any territorial advantages, any exclusive influence, or any concession with regard to the commerce of their subjects, such as could not be granted to the subjects of all other nations" (text in *Parliamentary Papers, 1861,* vol. 68, pp. 8–9). A. H. Hourani, *Syria and Lebanon,* pp. 27–33; M. Jouplain, *La Question du Liban,* pp. 386–451; C. H. Churchill, *The Druzes and the Maronites under Turkish Rule,* chaps. 4–9; R. R. Reid, "The Syrian Troubles and Mission, 1860–61," *Cambridge History of British Foreign Policy,* vol. 2, pp. 451–56; I. ibn Y. Abkarius, *The Lebanon in Turmoil, Syria and the Powers in 1860* (contemporary), translated from Arabic by J. F. Scheltema; A. E. Mange, *The Near Eastern Policy of the Emperor Napoleon III,* chap. 4.

ART. I. A body of European troops, which may be increased to twelve thousand men, shall be sent to Syria to contribute towards the re-establishment of tranquillity.

ART. II. His Majesty the Emperor of the French agrees to furnish, immediately, the half of this body of troops. If it should become necessary to raise its effective force to the number stipulated in the preceding Article, the High Powers would come to an understanding with the Porte without delay, by the ordinary course of diplomacy, upon the designation of those among them who would have to provide it.

ART. III. The Commander-in-chief of the expedition will, on his arrival, enter into communication with the Commissioner Extraordinary of the Porte, in order to concert all the measures required by circumstances, and to take up the positions which there may be occasion to occupy in order to fulfil the object of the present Convention.

ART. IV. Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, His Royal Highness the Prince Regent of Prussia, and His Majesty the Emperor of all the Russias, promise to maintain sufficient naval forces to contribute towards the success of the common efforts by the re-establishment of tranquillity on the coast of Syria.

ART. V. The High Parties, convinced that such a period will be sufficient to attain the object of pacification which they have in view, fix at six months the duration of the occupation of the European troops in Syria.

ART. VI. The Sublime Porte undertakes to facilitate, as far as lies in her power, the furnishing supplies and provisions for the expeditionary corps.

72. CONVENTION PROLONGING THE FRENCH OCCUPATION OF LEBANON: THE EUROPEAN POWERS AND THE OTTOMAN EMPIRE

19 March 1861

(Ratifications exchanged, Paris, 18 May 1861)

[Great Britain, *Parliamentary Papers, 1861,* vol. 68, pp. 14–15]

A French military force landed in Lebanon on 16 August 1860 on the strength of the preliminary instruments signed at Paris a fortnight earlier. These were the only European troops actually employed, for the Sublime Porte had already taken energetic—and effective—measures to pacify the provinces. By January 1861 the British government showed signs of restiveness and began to press for the evacuation of French units from Bayrut. Overruled by the other powers, Britain reluctantly agreed to prolong the French occupation until 5 June 1861 in the following convention. For references, see Doc. 71.

ART. I. The duration of the European occupation in Syria shall be prolonged until the 5th of June of the present year, at which date it is understood between the

High Contracting Parties that it shall have reached its term, and that the evacuation shall have been effected.

ART. II. The stipulations contained in the second Article of the Convention of the 5th of September, 1860, in so far as they have not yet been executed, or as they are not modified by the present Convention, shall continue in force during the period which will elapse between the date of the signature of the present Act and the 5th of June of the present year.

73. REGULATION FOR THE ADMINISTRATION OF LEBANON
9 June 1861

[Translated from French text in Great Britain, *Parliamentary Papers, 1861,* vol. 68, pp. 683–86]

A commission of the Big Five, created to investigate the causes of the massacres of 1860 and to recommend changes in the administration of Lebanon, arrived in Bayrut on 26 September and completed its report on 4 May 1861. On the basis of the commission's recommendations, the diplomatic representatives of the powers at Istanbul in conjunction with the Sublime Porte drew up the regulation that is reproduced below, providing for a non-Lebanese, Ottoman Christian governor nominated by the Porte after consultation with the European governments. The regulation was modified on 6 September 1864 (French text in T. E. Holland, *The European Concert in the Eastern Question,* pp. 212–18). The special regime transformed Lebanon into the best administered Ottoman province and endured until October 1914, when it was unilaterally terminated by the Sublime Porte. The governor's tenure, at first limited to three years, was extended in 1864 to five and in 1868 to ten. The confessional basis of mid-twentieth-century politics in Lebanon can be found in precedents established in the period of the special Ottoman regime. A. H. Hourani, *Syria and Lebanon,* pp. 33–40; M. Jouplain, *La Question du Liban,* book 3; A. E. Mange, *Near Eastern Policy of Napoleon III,* chap. 4.

1. PROTOCOL ADOPTED BY THE SUBLIME PORTE AND THE EUROPEAN POWERS

Article I gave rise to the following declaration, issued by His Highness 'Ali Paşa and accepted by the five Representatives:

"The Christian Governor entrusted with the administration of Lebanon shall be chosen by the Porte, to which he shall be directly responsible. He shall have the title of Müşür, and he shall reside normally at Dayr-al-Qamar, which will again fall under his direct authority. Invested for a three-year term, he will nevertheless be removable at pleasure, but his dismissal shall not take place without a trial. Three months prior to the expiration of his term, the Porte, before taking action, shall seek a new agreement with the Representatives of the Great Powers."

It has also been understood that the power granted by the Porte to this official to appoint on his own responsibility Administrative Agents shall be conferred upon him but once, at the time that he himself shall be invested with authority, and not in connection with each appointment.

Regarding Article 10, which deals with suits between the subjects or protégés of a foreign Power, on the one hand, and the inhabitants of the Mountain on the other, it has been agreed that a Mixed Commission sitting at Bayrut will be charged with verifying and reviewing titles of protection.

In order to maintain the security and freedom of the highway from Bayrut to Damascus at all times, the Sublime Porte will establish a blockhouse at that point of said highway which will be deemed most suitable.

The Governor of Lebanon may proceed with the disarmament of the Mountain at such time as he shall consider the circumstances favorable.

2. REGULATION FOR THE ADMINISTRATION OF LEBANON

ART. 1. Lebanon shall be administered by a Christian Governor appointed by and directly responsible to the Sublime Porte.

This official, holding office at pleasure, shall be invested with all the attributes of

executive power, shall maintain order and public security throughout the Mountain, shall collect taxes, and shall appoint on his own responsibility Administrative Agents with auth rity that he shall receive from His Imperial Majesty the Sultan; he shall appoint judges, shall summon and preside over the Central Administrative Council (*Meclis*), and shall assure the execution of all sentences legally rendered by the courts, except as limited by the provisions of Article 9.

Each of the constituent elements of the population of the Mountain shall be represented before the Governor by an Agent (Vekil) appointed by the chiefs and notables of each community.

ART. 2. There shall be for the entire Mountain one Central Administrative Council comprising twelve members: two Maronites, two Druzes, two Greek Orthodox, two Greek Catholics, two Matawilah, and two Muslims; it shall be charged with assessing taxes, administering revenues and expenditures, and rendering its advisory opinion on all questions submitted to it by the Governor.

ART. 3. The Mountain shall be divided into six Administrative Districts:

(1) Al-Kura, including the lower sections, as well as such other sections of territory in which the population adheres to the Greek Orthodox sect, but excluding the city of al-Qalamun, situated on the coast and inhabited almost exclusively by Muslims.

(2) The northern part of Lebanon, except for al-Kura, to the Nahr al-Kalb.

(3) Zahlah and its territory.

(4) Al-Matn, including Christian Sahal and the territories of Kata and Solima [?].

(5) The territory to the south of the Damascus-Bayrut road to Jazzin.

(6) Jazzin and Taffah.

The Governor shall appoint to each of these Districts an Administrative Agent, selected from that religious group which predominates either in size or in the importance of its properties.

ART. 4. There shall be in each District a Local Administrative Council comprising from three to six members [and] representing the various elements of the population and landed interests in the District.

The local Council, presided over and convoked annually by the Chief of the District, shall resolve in the first instance all matters of administrative litigation, shall hear the claims of the inhabitants, shall provide the necessary statistical information for tax assessment in the District and shall give its advisory opinion on all questions of local interest.

ART. 5. The Administrative Districts shall be divided into Sub-Districts, the territory of which shall be based roughly on that of the former *iklims* (zones), and shall consist insofar as possible of homgeneous population; the Sub-Districts shall be divided into communities, each with at least 500 inhabitants. At the head of each Sub-District there shall be an Agent appointed by the Governor upon the recommendation of the Chief of the District; and at the head of each Community there shall be a shaykh selected by the inhabitants and appointed by the Governor.

In Mixed Communities, each constituent element of the population shall have its own shaykh who will exercise authority only over his coreligionists.

ART. 6. [There shall be] equality of all before the law; all feudal privileges, especially those appertaining to the *Mukataʿaci* (lease-holder or landowner, who was also frequently the local tax-farmer), are abolished.

ART. 7. There shall be in each Sub-District one justice of the peace for each religious group; there shall be in each District a Lower Judicial Council (*Meclis*), comprising from three to six members [and] representing the diverse elements of the population, and at the seat of the government a Higher Judicial Council, comprising twelve members, two from each of the six communities enumerated in Article 2, to which will be added a representative of the Protestant or the Jewish religion whenever the interests of a member of these communities may be involved in a lawsuit.

The presidency of the Judicial Councils

will rotate every three months among all of their members.

ART. 8. Justices of the peace shall pass judgment without appeal in cases involving no more than 500 piastres. Cases involving more than 500 piastres shall fall under the jurisdiction of the Lower Judicial Councils.

Mixed cases, that is, cases involving persons not of the same sect, whatever the value at stake in the suit, shall be brought directly before the Lower Judicial Council, unless the parties agree to recognize the competence of the defendant's justice of the peace.

In principle all cases shall be tried by the entire membership of the Council. However, when all the parties of the particular suit shall belong to the same sect, they shall have the right to challenge a judge belonging to a different sect, but even in such a case the challenged judges shall participate in the trial.

ART. 9. In criminal matters, there shall be three degrees of jurisdiction. Contraventions shall be tried before justices of the peace; delicts before Lower Judicial Councils; and crimes before the Higher Judicial Council, whose sentences shall be executed only in conformity with formal usage in the rest of the Empire.

ART. 10. All suits of a commercial nature shall be brought before the commercial tribunal of Bayrut, and every suit, even in civil matters, between a subject of or person protected by a foreign Power and an inhabitant of the Mountain shall be submitted to the jurisdiction of the same tribunal.

ART. 11. All the members of Judicial and Administrative Councils without exception and the justices of the peace will be chosen and designated by the heads of their respective communities after consultation with the notables and will be appointed by the Governor.

Half of the personnel of the Administrative Councils will be changed every year; outgoing members will be eligible for reappointment.

ART. 12. All judges shall be paid. If, after investigation, it is proved that one of them has been partial, or has committed any act of any nature unworthy of his office, he shall be dismissed and in addition shall be subject to a penalty proportionate to the misdeed committed by him.

ART. 13. The sessions of all Judicial Councils shall be public, and a verbatim report of their proceedings shall be kept by a clerk appointed *ad hoc*. In addition, the clerk shall maintain a register of all contracts of sale of real estate; the contracts shall not become valid until they have been formally registered.

ART. 14. Inhabitants of Lebanon who have committed a crime or delict in another *Sancak* (provincial district) shall be tried by that *Sancak*, just as the inhabitants of other Districts who have committed a crime or delict within the limits of Lebanon shall be tried by the tribunals of the Mountain.

Accordingly, indigenous or nonindigenous individuals who have committed a crime or delict in Lebanon and who have escaped to another *Sancak* shall be arrested, upon the request of the authorities of the Mountain, by those of the *Sancak* where they may be found and they shall be handed over to the administration of Lebanon.

Similarly, persons indigenous to the Mountain or inhabitants of other Districts who have committed a crime or delict in a *Sancak* other than Lebanon and who may have taken refuge there shall be arrested without delay by the authorities of the Mountain upon the request of the interested *Sancak* and shall be handed over to the authorities of the latter.

Agents of the authorities who are guilty of negligence or of nonjustifiable delays in the execution of orders relating to the return of guilty persons to the competent tribunals shall be punished according to the law, like those who would seek to shelter guilty persons from the police.

Finally, the relations of the Administration of Lebanon with the respective Administrations of the other *Sancaks* shall be precisely the same as the relations which exist and which shall be maintained among all the other *Sancaks* of the Empire.

ART. 15. In ordinary times the maintenance of order and the enforcement of

law shall be the exclusive responsibility of the Governor, assisted by a mixed police force recruited on a voluntary basis and comprising about seven men for every thousand inhabitants.

[The practice of] arrest by troops shall be abolished and replaced by other methods of constraint, such as attachment and imprisonment; exaction by policemen of payments in money or in kind from the inhabitants shall be prohibited and most severely punished. Policemen shall wear a uniform or other external sign of their office, and in the execution of any order whatsoever the authorities shall use as far as possible agents belonging to the nation or the sect of the individual against whom the order is directed. Until the time that the Governor may declare the local police force capable of fulfilling all the duties for which it is responsible in normal times, the roads from Bayrut to Damascus and from Sidon to Tripoli shall be occupied by Imperial troops. The troops shall be subject to the command of the Governor of the Mountain.

Whenever the need may arise in extraordinary circumstances the Governor, after consultation with the Central Administrative Council may request from the military authorities of Syria the assistance of regular troops.

The officer commanding the troops shall reach agreement with the Governor of the Mountain on the measures to be taken and for the duration of his stay in Lebanon shall be subordinated to the Governor of the Mountain, acting under the latter's responsibility; he shall however retain his rights of initiative and evaluation in all purely military questions, such as strategy and discipline. The troops shall withdraw from the Mountain as soon as the Governor will have officially notified their Commanding Officer of the fulfillment of the mission for which they were called to the Mountain.

ART. 16. The Ottoman Porte reserves for itself the right to collect, through the medium of the Governor of Lebanon, the 3,500 purses (about $75,000) which constitute at present the tax-burden of the Mountain and which may be augmented to 7,000 purses (about $150,000) when circumstances allow it; it is understood, however, that the proceeds of the tax will first be applied to the administrative expenses of the Mountain and to its outlays for public service, only the surplus, if there is any, becoming revenue of the State.

If the general expenses absolutely essential for the regular conduct of the administration should exceed the revenue from taxes, the Porte will provide the necessary balance.

But it is understood that the Sublime Porte will be responsible for public works or other extraordinary expenditures only if approved in advance by the Porte.

ART. 17. As soon as possible a census of the population by communities and by sect shall be taken, and a land register drawn up for all cultivated lands.

74. DECLARATION BY BRITAIN AND FRANCE GUARANTEEING THE INDEPENDENCE OF MASQAT AND ZANZIBAR
10 March 1862

[Great Britain, *Parliamentary Papers, 1899,* vol. 109, p. 124]

Sayyid Sa'id (1807–56), the *imam* of Masqat, established permanent residence in 1840 at Zanzibar, whose islands the Masqatis had conquered in the seventeenth century. On Sa'id's death, in accordance with his prior wishes, the succession was divided between two sons, Thuwayni becoming ruler of Masqat and Majid of Zanzibar. Thuwayni promptly tried to assert supremacy over his brother's patrimony. The dispute, arbitrated in 1861 by Lord Canning on behalf of the Governor-General of India, was resolved by the imposition upon Zanzibar of an annual tribute to Masqat. The payment was "not to be understood as a recognition of the dependence of Zanzibar upon Muscat," but merely as compensation to "the ruler of Muscat for the abandonment of all claims upon Zanzibar" [text in C. U. Aitchi-

son, *Collection of Treaties* (1933, 5th ed.), vol. 11, p. 303]. The arrangement lasted until the death of Thuwayni in 1866, after which the United Kingdom continued the annual payments to Masqat. The 1862 declaration represented, implicitly, a recognition by France of the validity of the arbitral award and a joint assurance by the two powers not to infringe the sovereignty of the shaykhdoms. In 1890 Zanzibar was declared a British protectorate. R. Coupland, *East Africa and Its Invaders,* chaps. 5–16; W. H. Ingrams, *Zanzibar, Its History and its People,* chaps. 13–14; F. Kajare, *Le Sultanat d'Oman,* 83–185; Aitchison, *op. cit.,* pp. 269–86; see also references to Doc. 56.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French, taking into consideration the importance of maintaining the independence of His Highness the Sultan of Muscat and of His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the independence of these Sovereigns.

The Undersigned, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of France, and the Minister Secretary of State for Foreign Affairs of His Majesty the Emperor of the French, being furnished with the necessary powers, hereby declare, in consequence, that their said Majesties take reciprocally that engagement.

75. CONVENTION RELATIVE TO TELEGRAPHIC COMMUNICATION BETWEEN EUROPE AND INDIA: BRITAIN AND PERSIA

23 November 1865

(Ratifications exchanged, Tehran, 1 May 1866)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, pp. 179–83]

The Indian munity of 1857–58 pressed the governments in Britain and India to promote the development of a comprehensive telegraphic system in the Asian subcontinent that would link with the rapidly multiplying lines in Europe. The early submarine cables in the Red and Arabian seas failed altogether to function. It therefore became necessary to fall back on overland routes. The requisite agreements, however, were only slowly reached. A convention with the Sublime Porte for the construction of a line connecting India with the Ottoman Empire was concluded on 3 September 1864 (text in *British and Foreign State Papers,* vol. 54, pp. 20–25). A comparable convention, reproduced below, was negotiated with Persia. The Persian government undertook to build at its own expense a cable system from Khanaqin on the Ottoman border to Tehran, Isfahan, and Shiraz, joining the Bushire (Abu Shahr)-Khanaqin line which had been erected by the British under an agreement of 17 December 1862 (text in Sir Edward Hertslet, *Persia Treaties,* pp. 23–25; see also Perso-Ottoman agreement of 28 November 1863, *ibid.,* pp. 173–75). Telegraphic communications in Persia were later extended by German and Russian firms, so that the Anglo-Indian service embraced alternative routes to Baghdad (via lower Mesopotamia or Persia) and to Europe (via the Ottoman Empire or Persia and Russia). The interest of the shah and the sultan in telegraphy was no less than that of the European powers, for they equally realized its value as a means of exercising close administrative supervision over provincial governors. H. L. Hoskins, *British Routes to India,* chap. 15; Sir P. Sykes, *History of Persia,* vol. 2, chap. 80; C. Bright, *Submarine Telegraphs;* E. B. Bright and Sir C. Bright, *The Life Story of Sir Charles Tilston Bright,* vol. 2, chap. 5; F. J. Goldsmid, *Telegraph and Travel;* W. Litten, *Persien von der "pénétration pacifique" zum "Protektorat,"* chaps. 1–2.

ART. 1. In order to improve the telegraphic communication between Europe and India, the Persian Government agrees to attach another wire to the poles now standing from Bushire to Khannikeen, and to bring it into working order as soon as possible. The wire to be used solely for international messages sent in European languages.

ART. 2. In order that the second wire

may be attached in a complete and effective manner, the Persian Government also agrees that it shall be done under the direction and supervision of an English Engineer Officer and staff; and the Persian Government will use its best endeavours to collect the necessary materials and lay down the wire with all expedition.

ART. 3. The British Government agrees to procure for the Persian Government at a reasonable price, and wtih the cognizance of a Persian Commissioner, all the wire insulators, Morse instruments, etc., that may be requisite for this work inclusive of two hundred iron posts for the marshy tracts of Bushire, and to deliver them over to the Government Commissioners at any seaports or frontier towns of Persia that may be suitable, receiving payment in five years in five instalments.

ART. 4. The Persian Government, moreover, agrees that an English Telegraph Officer with the necessary staff not exceeding (50) fifty in number, exclusive of families, shall be engaged, from the opening of the telegraphic communication through the new wire, for (5) years in organizing the Persian line of telegraph and giving instructions in telegraphy. And the British Government agrees that the English Officer and his staff shall, at the expiration of the prescribed period, make over the said line to the Persian Government and cease connection with Persian Telegraph.

ART. 5. The conditions under which the English Officer shall exercise control over the second wire during the prescribed period are stated in the following rules:—

1.—His Royal Highness the Itizad-es-Sultaneh, Minister of Science, or any other person who, by the Shah's order, may be appointed in his place, is to be considered the head and absolute chief of all the Persian Government Telegraphs.

2.—Any order which His Royal Highness or such other person in his place may issue concerning the protection of the line, its working, and the Persians employed on it, shall be given through and with the approval of the English Telegraph Officer.

3.—For the protection of the line the whole distance from the Turkish frontier to Bushire shall be divided from station to station into six sections as follows:—

From the Turkish Frontier to Hamadan.
" Hamadan to Tehran.
" Tehran " Cashan.
" Cashan " Ispahan.
" Ispahan " Shiraz.
" Shiraz " Bushire.

To each of these divisions the Itizad-es-Sultaneh shall appoint a Persian Officer, who will be responsible to His Royal Highness for the protection of the line situated within his limits. To enable the said Persian Officer, or Yaver, of each division to carry out his duties efficiently, a certain number of horsemen shall be stationed under his orders along the line. The Yaver will, of course, accept any suggestions which the English Telegraph Officer may give with reference to his charge, due regard being had to the customs of Persia and her power of carrying out such suggestions.

4.—The organization of offices and instruction of employé's shall be exclusively in charge of the English Superintending Officers, who will be responsible for the working of the line in these respects; and the Persian signallers shall be ordered to obey implicitly the instructions which the English Officers may give in the performance of their duties.

5.—In case of insubordination or misconduct on the part of the Persian signallers, His Royal Highness the Itizad-es-Sultaneh engages to use his best endeavours in lawfully supporting the authority of the English Superintending Officer, exercised under the last rule. On the other hand, the English Officer engages that the bounds of that authority shall in no way be exceeded.

6.—The English Officer shall have nothing whatever to do with receipts of money. A Mirza will be appointed at each station, who will be directly responsible for the accounts to the Itizad-es-Sultaneh. But the English Superintending Officer shall render to His Royal Highness or any person who may be appointed by the Persian Government, such account of the telegrams des-

patched under his authority as may be sufficient for full information.

These rules, however general in some sense, are understood to have special application to the second wire.

ART. 6. In filling up vacancies which may occur among the signallers employed under Article 4 the English Telegraph Officer shall give the preference to natives of Persia, provided they be qualified, in his estimation, by knowledge of the English language and other attainments necessary for this service, to perform the duties required.

ART. 7. As the Telegraph Offices of these two wires ought to be distinct, the Persian Government shall build a new office adjoining the existing one wherever there are not separate rooms.

ART. 8. If any injury befall the second wire, or delay occur through press of traffic, the first wire, which, is specially used for internal communication in Persia, shall give assistance to the second wire, and *vice versa.*

ART. 9. For every message of twenty words or less from Khannikeen to Bushire, or *vice versa,* 1 toman, 5 kerans and 8 shahis in Persian money, or 14 shillings in English money, shall be charged, with proportionate rates for the intervening towns. The Persian Government accepts the tariff laid down in the last convention between Turkey and England so far as regards the rates of messages sent by the two governments from Bushire to India and from Khannikeen to Constantinople or Europe.

ART. 10. The yearly receipts will be credited to the Persian Treasury, but should they reach a higher sum than thirty thousand (30,000) tomans, the surplus will be made over to the Officers of the English Government for the cost of their establishment.

ART. 11. All Indian messages at whatever part of the line, or from whatever place received, shall be given over to the second wire, and the accounts regularly kept.

ART. 12. Should the traffic so continuously increase as to demand more than in one day the fair day's work on the second wire, the excess of telegrams shall be handed over for despatch to the first wire, the money received on them being separately credited to the Persian Government. The adjustment of this matter shall rest with the Itizad-es-Sultaneh and the English Superintending Officer. This Article is quite irrespective of the provision for mutual assistance in the event of a slight and temporary delay.

ART. 13. The cost of all other than Indian or Submarine cable messages shall be separately credited to the Persian Treasury, although conveyed by the second wire.

ART. 14. The relative value of coin shall be calculated for purposes of account at the following rates:—

One pound sterling = 25 francs = 22 kerans.

One shilling = 1 franc — 25 centimes = 1 keran — 2 shahis.

One penny = 10 centimes = 2 shahis.

As a rule, accounts shall be kept in English and payments made in Tehran in Persian currency.

ART. 15. The telegraph accounts shall be made up by the English Superintending Officer monthly and sent to Constantinople, where, by comparison with the Cable and Turkish accounts, they will be checked by the British Commissioner appointed for that purpose. On the return to Tehran of the audited accounts from Constantinople, the amount due to the Persian Government will be certified by the English Officer and speedily paid every six months, as stated in the last Article. The above account shall always be open to the inspection of the Telegraph Agent of the Persian Government at Constantinople, or any person recognized by the Persian Minister at the Ottoman Court for the settlement of accounts of international traffic on the Persian Turkish Line.

ART. 16. The Telegraph Regulations Drawn up at Paris on the thirteenth of April Anno Domini one thousand eight hundred and sixty-five shall be carried out under the superintendence of the Persian Government so far as not opposed to the terms of the present convention of the institutions of Persia.

ART. 17. Any disagreement arising between the telegraphic employés of the two governments shall be referred to their Excellencies the Persian Minister for Foreign Affairs and the British Minister at Tehran, in order that, after necessary investigation, a just decision may be pronounced.

ART. 18. This convention shall take effect from the opening of correspondence on the second wire, and remain in force for five years from the day that a telegram is first despatched hereby. At the expiration of the five years it shall be null and void. If at any time within the term appointed the capabilities of Persian telegraphers for their work shall be proved to the satisfaction of the Chief of the Persian Telegraphs and the English Telegraph Officer, the full period shall be curtailed, and the line made over altogether to the Persian Government.

76. FIRST SA'UDI ASSURANCES TO BRITAIN
21 April 1866

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, p. 206]

Local tribes in league with a branch of the Wahhabis in 1865 plundered British property at the port of Sur, technically owing allegiance to Masqat. British protests—and naval action—finally elicited a promissory statement from 'Abdallah bin Faysal, who had just succeeded to the leadership of the Sa'udi amirate, that his subjects would refrain from interfering with British interests in the area. Aitchison, *op. cit.*, pp. 182–190; H. St. J. Philby, *Sa'udi Arabia,* chaps. 7–8.

I, Mahomed bin Abdullah bin Maneh, am certain on the following points:—

I am authorized by Imaum Abdullah bin Fysul to request the Sahib, the Resident in the Persian Gulf, to become the medium of friendship between Imaum Abdullah bin Fysul and the British Government;

Secondly.—I assure the Resident in the Persian Gulf on the part of Imaum Abdullah bin Fysul that he will not oppose or injure British subjects residing in territories under the authority of Abdullah bin Fysul; and

Thirdly.—I assure the Resident in the Persian Gulf on the part of Imaum Abdullah bin Fysul that he will not injure or attack the territories of the Arab tribes in alliance with the British Government, specially on the Kingdom of Muscat, further than in receiving the zukat that has been customary of old.

77. LORD CLARENDON'S FORMULA OF THE BRITISH POSITION ON THE BAHRAYN ISLANDS
29 April 1869

[Great Britain, Public Record Office, F.O. 248/251]

As the Bahrayn Islands came progressively under British sway in the nineteenth century, Persia protested to the United Kingdom against its engagements with the Arab shaykhs of the archipelago whose claim to sovereignty the shah's government disputed. In response to such a Persian protest in 1869, Foreign Secretary Lord Clarendon articulated the position of the British government in a note addressed to General Hajji Muhsin Khan, the Persian Chargé d'Affaires in London. Lord Clarendon's original draft contained a marginal note, presumably by one of his Foreign Office aides, which observed that "This draft seems to me to go beyond the views of the India Office as expressed in their letter, and also to invite the Shah to set on foot a Persian naval force in the Gulph which he wishes to do, but of which the India Council [?] and the Admiralty I believe both dislike the idea." In later protests to the United Kingdom, into the mid-twentieth century, the Persian government has continued to refer to the Clarendon note as constituting a statement of British recognition of Persian sovereignty over the Bahrayn Archipelago. The United Kingdom places precisely the reverse construction on the Clarendon formula. F. Adamiyat, *Bahrein Islands,* chap. 5; M. Khad-

duri, "Iran's Claim to the Sovereignty of Bahrayn," *American Journal of International Law,* 45 (October 1951), 631–47; A. Faroughy, *The Bahrein Islands,* 73–93; Sir H. Rawlinson, *England and Russia in the East,* pp. 108–10; M. Esmaili, *Le Golfe persique et les îles de Bahrein,* chaps. 5–7.

With reference to my Note of the 16th instant in which I acknowledged the receipt of your Note of the 13th enclosing two Letters from the Sheikh of Bahrein, I have now the honour to state to you that I have considered in communication with Her Majesty's Secretary of State for India, the whole question of the position of the Sheikh of Bahrein, and I avail myself of this opportunity to make known to you the views of Her Majesty's Government on the subject.

The British Government readily admit that the Government of the Shah has protested against the Persian right of sovereignty over Bahrein being ignored by the British Authorities; and they have given due consideration to that Protest. But it is the fact, as yourself and the Government of the Shah are undoubtedly aware, that the Sheikhs of Bahrein have at different periods entered directly into engagements with the British Government; and I beg to assure you that the British Government hold the Sheikhs to these engagements solely for the purposes of preventing piracy and Slave Trade, and of maintaining the police of the Gulf. If the Persian Government are prepared to keep a sufficient force in the Gulf for these purposes, this country would be relieved of a troublesome and costly duty, but if the Shah is not prepared to undertake these duties, Her Majesty's Government cannot suppose His Majesty would wish that in those waters disorder and crimes should be encouraged by impunity.

I need scarcely assure you of the friendly feelings entertained by Her Majesty's Government towards Persia, and their desire on all occasions to meet as far as possible the wishes of the Shah; and in regard to this question I have the honour to state to you that whenever it is practicable to do so, Her Majesty's Government will cause the Persian Government to be informed beforehand of any measures of coercion against himself which the conduct of the Sheikh of Bahrein may have rendered necessary. But the British Government cannot consent to debar its officers, to whom the superintendence of the Police of the Persian Gulf is entrusted, from the exercise of the right of punishing by prompt measures any violation of treaty engagements [with] the Sheikh of Bahrein, on occasions when a reference to the Court of Teheran would be attended with embarrassing delays which might endanger the present peace of the Gulf—but whenever such a necessity shall arise a full communication respecting it shall be made to the Persian Government.

78. TREATY (LONDON) FOR REVISING THE BLACK SEA CLAUSES OF THE TREATY OF PARIS (1856): THE EUROPEAN POWERS AND THE OTTOMAN EMPIRE
1/13 March 1871

(Ratifications exchanged, London, 15 May 1871; formally superseded, 6 August 1924)

[Great Britain, *Parliamentary Papers, 1871,* vol. 72, pp. 169–71]

Tsar Alexander II (1855–81) viewed the clauses of the treaty of Paris (Doc. 66), calling for the neutralization of the Black Sea, as "a blot on his reign." At the height of the Franco-Prussian War when France could not join England in opposition, the Tsar, on 31 October and 1 November 1870, issued two notes (texts in Sir Edward Hertslet, *Map of Europe,* vol. 3, pp. 1892–97), declaring that Russia was placed at a distinct disadvantage by the arrangement as against the other signatories. He therefore deemed "himself both entitled and obliged to denounce to His Majesty the Sultan the Special and Additional Convention appended

to the said Treaty, which fixes the number and size of the Vessels of War which the two Powers bordering on the Black Sea shall keep in that Sea." The Russian notes disturbed the British who, while deploring the unilateral action and upholding the principle of the sanctity of treaties, nevertheless accepted Bismarck's proposal that the original signatories confer for the purpose of revising the 1856 arrangement (British text, *ibid.*, 1898–1900). The conference, held in London (17 January–13 March 1871), produced a treaty annuling the neutralization clauses adopted in Paris and enlarging the sultan's discretionary power to admit through the straits naval vessels of friendly governments. Appended to the treaty was a Russo-Ottoman convention that expressly abrogated their earlier convention (1856) limiting the number and force of Russian and Ottoman warships in the Black Sea (Doc. 66[3]). The 1871 convention and the articles in the principal treaty relating to the Danube are omitted below. K. Rheindorf, *Die Schwarze Meer Frage, 1856–1871;* H. Mertz, *Die Schwarze Meer-Konferenz von 1871;* J. T. Shotwell and F. Deák, *Turkey at the Straits*, chap. 6; P. H. Mischef, *La Mer Noire*, chap. 7; S. Goriainow, *Le Bosphore*, chap. 12; C. Phillipson and N. Buxton, *The Bosphorus*, part 2, chap. 6.

ART. I. Articles XI, XIII, and XIV of the Treaty of Paris of March 30, 1856, as well as the special Convention concluded between Russia and the Sublime Porte, and annexed to the said Article XIV, are abrogated, and replaced by the following Article.

ART. II. The principle of the closing of the Straits of the Dardanelles and the Bosphorus, such as it has been established by the separate Convention of March 30, 1856, is maintained, with power to His Imperial Majesty the Sultan to open the said Straits in time of peace to the vessels of war of friendly and allied Powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of March 30, 1856.

ART. III. The Black Sea remains open, as heretofore, to the mercantile marine of all nations. . . .

ART. VIII. The High Contracting Parties renew and confirm all the stipulations of the Treaty of March 30, 1856, as well as of its annexes, which are not annulled or modified by the present Treaty.

79. OTTOMAN *FERMAN* CONSOLIDATING THE SPECIAL PRIVILEGES CONFERRED ON THE KHEDIVE OF EGYPT

8 June 1873

[Great Britain, *Parliamentary Papers, 1879,* vol. 78, pp. 625–27]

Isma'il Paşa, who acceded to the governorship of Egypt in 1863, lived lavishly. But he also resumed the efforts of his grandfather, Mehmed 'Ali Paşa, to improve through public works the conditions in his province. He constructed irrigation canals, bridges, railroads, and lighthouses; modernized Alexandria harbor; and contributed to the cost of constructing the Suez Canal. He also extended the zone of Egyptian rule in the Sudan. To finance such an ambitious program Isma'il borrowed heavily—and unwisely—from European and Levantine bankers at exorbitant discount and interest rates. In consequence, Isma'il multiplied the public debt of his province from some £3 million to nearly £100 million in about a decade and a half and was compelled in 1876 to set up a Public Debt Commission under the dual control of Britain and France to supervise the finances of Egypt. He was finally deposed by Sultan 'Abdülhamid II (1876–1909) in 1879. Nevertheless Isma'il left his province considerably more independent of the Sublime Porte than he had found it. In return for augmenting his annual tribute in 1866 from 80,000 purses (about 1.7 million dollars) to 150,000 purses (about 3.2 million dollars), he was allowed to alter the principle of succession from seniority to primogeniture and to enlarge the size of his army from 18,000 to 30,000 troops. In the following year he acquired for himself and his heirs the Persian title of *khedive,* thereby elevating his status from governor to viceroy, with almost unrestricted legislative autonomy and full control over nonpolitical external affairs. These and other special privileges granted in later decrees were finally brought together in a single *ferman,* reproduced below. P. Crabitès, *Ismail, the Maligned Khedive;* M. Sabry, *L'Empire égyp-*

tien sous Ismail, et l'ingérence anglo-française; A. Sammarco, *Précis de l'histoire d'Égypte,* vol. 4, chap. 11; A. Hasenclever, *Geschichte Ägyptens,* chap. 4; *L. Bréhier, L'Égypte,* chaps. 6–7; J. Cocheris, *Situation internationale de l'Égypte et du Soudan,* chap. 3.

Be it known that we have taken thy request into consideration, and that we have decided to unite in one single Firman all the Firmans and Khats Houmayoun which, since the Firman which granted the Egyptian succession to thy grandfather, Mehemet Ali, have been granted to the Khedives of Egypt, either in order to modify the manner of succession, or to accord to Egypt fresh immunities and privileges in harmony with the customs of the inhabitants, and with the character and nature of the country. It is our will that the present Firman, with all the modifications and necessary explanations included in it, and with the principles and regulations which it establishes, shall henceforth be executed and respected, and shall also in future replace the other Imperial Firmans, and that in the following manner:—

The order of succession to the Government of Egypt granted by our Imperial Firman dated the 2nd Rehib-ul-ewel, 1257, has been so modified that the Khedivate of Egypt passes to thy eldest son, and after him to his eldest son, and in like manner as regards others, that is to say, that the succession is to proceed by primogeniture in the interests of the good administration of Egypt and of the welfare of its inhabitants. Again, as I have noted the care which thou bestowest on Egypt and the efforts thou art making for its prosperity, the greatness and importance of which are obvious to me, as well as the fidelity and devotion which thou hast always evinced to me, I have given thee my entire good grace and confidence, and, in order to give thee a striking proof of this, I have resolved to establish as law that the succession to the Khedivate of Egypt and its dependencies, with the Kaïmakamats of Souakin and Massowa, and their dependencies, shall pass, as aforesaid, to thy son, and after him, in conformity with the law of primogeniture, to the eldest sons of future Khedives. In the event of a Khedive leaving no male children, the Khedivate shall pass to his younger brother, and, in case he should not be surviving, to the eldest son of such younger brother. This rule is established definitely, and does not apply to the male children of the female line.

In order completely to insure the security of this order of succession, the Regency which shall govern Egypt in the event of a minority is regulated as follows: If, at the death of the Khedive, his eldest son is a minor, that is to say, if he is under 18 years of age, as by right of succession he will be actually Khedive in spite of his minority, his Firman will be immediately sent to him. If the deceased Khedive has, in his lifetime, appointed a Regency in a document which must be countersigned by two high functionaries, whose names shall appear as witnesses in the document, the Regent and the members of the Regency who have been thus named shall immediately take in hand the administration of affairs, and shall inform my Sublime Porte thereof, and my Imperial Government will confirm the Regent and the members of the Regency in their office. If the Khedive has not provided for a Regency during his life, one will be formed of the persons who may at the time be at the head of the Departments of the Interior, of War, of Finance, of Foreign Affairs, of the Council of Justice, of the Army, and of the General Inspection. They shall proceed to the nomination of a Regent in the following manner. These different Chiefs of the Administration shall elect the Regent from among themselves; this election will be made either unanimously, or by the vote of the majority. In the case of two persons obtaining an equal number of votes, the one occupying the most important office, beginning with the Department of the Interior, shall be elected Regent, and the other members shall form the Council of Regency. They shall take in hand the administration of affairs, inform my Sublime Porte, who will confirm them in their office. Whether the Regent and the Council of Regency have been instituted by the Khedive during his lifetime, or whether the

Regency shall have been constituted by election, in neither case can any of the members be changed. If one of the members should happen to die, the surviving members shall choose and name another Egyptian functionary to replace him. If it is the Regent who happens to die, the Members of the Council shall choose his successor from among themselves, and shall appoint another Egyptian functionary to the place which the new Regent occupied in the Council. When the Khedive who is a minor has attained the age of 18, he shall be considered of age, and shall administer the affairs of the Government.

I attach the greatest importance to the prosperity of Egypt, to the well-being, tranquillity, and security of its population, and since these are matters which depend on the civil and financial administration of the country, as well as upon the development of the material and other interests of the country, which are under the control of the Egyptian Government, we mention as follows, with modifications and explanations, all the privileges which my Imperial Firman has accorded, whether formerly or for the first time, to the Egyptian Government, in order that they may be for ever possessed by succeeding Khedives:—

The civil and financial administration of the country, and all interests, material or otherwise, are in every respect under the control of the Egyptian Government, and are confided to it, and as the administration, the maintenance of order in any country, and the development of the riches and prosperity of the population spring from the harmony to be established between the facts, the general relations, the condition and the nature of the country, as well as the disposition and the customs of the inhabitants, the Khedive of Egypt is authorized to make internal regulations and laws as often as it may be necessary.

He is also authorized to renew and to contract (without interfering with the political Treaties of my Sublime Porte) Conventions with the Agents of foreign Powers for customs and trade, and for all relations which concern foreigners, and all the affairs of the country, internal or otherwise, with the object of developing commerce and industry, and to arrange the police for foreigners as well as their position, and all their relations with the Government and the population.

The Khedive has complete and entire control over the financial affairs of the country. He has full power to contract, without leave, in the name of the Egyptian Government, any foreign loan, whenever he may think it necessary.

The first and most essential duty of the Khedive being to guard and defend the country, he has full and entire authority to provide for all the means and establishments for defence and protection according to the exigencies of time and place, and to increase or diminish the number of my Imperial Egyptian troops as may be required, without any restriction being imposed upon him.

The Khedive will retain, as before, the privilege of conferring ranks in the military Order up to the rank of Colonel, and in the civil Order up to the rank of Raubci Sanick. The money coined in Egypt should be struck in my Imperial name; the flags of the land and sea forces will be the same as the flags of my other troops; and, as regards ships of war, iron-clads alone shall not be constructed without my permission.

By my Imperial order reproducing the above provisions, I cause this illustrious Firman, headed by my Imperial signature, to be transmitted to thee by my Imperial Divan. This Firman comprises and completes (with explanations and modifications) all the Firmans and Imperial Khats which have hitherto been granted to the Egyptian Government, whether instituting the order of succession and the form of the Regency in case of necessity, or for the civil, military, and financial administration, as well as for the interests of the country, whether material or otherwise.

It is in accordance with my Imperial wish that the rules and principles contained in this Firman should be for ever observed and executed, instead of and in place of all others contained in my previous Firmans.

As for thyself, thou wilt faithfully execute the conditions stipulated in this Fir-

man in accordance with thy character full of uprightness and zeal, and with the knowledge which thou hast acquired of the condition of Egypt, and thou wilt endeavour to administer the country well, and to assure by all possible means the tranquillity of the inhabitants, and thereby show thy gratitude for my favours and my Imperial kindnesses towards thee.

Thou wilt also pay great attention to remitting to my Imperial Treasury, every year, without delay, and in its entirety, the fixed tribute of 150,000 purses.

80. BRITISH TREASURY MINUTE ON ARRANGEMENTS FOR LOAN TO PURCHASE THE KHEDIVE'S INTEREST IN THE SUEZ CANAL COMPANY
25 November 1875

[Great Britain, *Parliamentary Papers, 1876,* vol. 83, p. 139]

Britain's predominance in the trade with India and the Far East established its primacy in the Suez Canal traffic from the very outset, as attested by the fact that more than 70 per cent of the ships using the waterway in the opening years flew the Union Jack. Owing to British failure to invest in the canal company, however, London could exercise no control over the company's policy which, in the view of English shipping firms, often discriminated against their vessels. The desire for a voice in the company's management prevailed especially among the Conservatives. When Disraeli became prime minister in 1874 he immediately began to explore the prospects of acquiring at least part ownership. The opportunity came in the fall of 1875, when word reached London that French financial circles were negotiating for the shares owned by Khedive Isma'il, then in desperate need of funds to meet interest payments on his loans. Having ascertained that the khedive would part with his substantial holdings, the British government was in a quandary. Such a transaction dictated Parliamentary authorization, but the legislature was then in recess. Disraeli succeeded in overcoming the opposition within his cabinet to obtaining a £4 million loan from the House of Rothschild, pending final Parliamentary approval. The line of action taken by the Lords Commissioners of Her Majesty's Treasury is presented in the following minute. H. L. Hoskins, *British Routes to India,* chap. 18; C. W. Hallberg, *Suez Canal,* chap. 15; Sir A. T. Wilson, *Suez Canal,* chap. 4; R. Fitzgerald, *Great Canal at Suez,* vol. 2, chap. 19; C. Lesage, *L'Invasion anglaise en Égypte;* W. F. Monypenny and G. E. Buckle, *The Life of Benjamin Disreaeli Earl of Beaconsfield,* vol. 5, chap. 12; L. H. Jenks, *Migration of British Capital,* 320–25; G. C. Thompson, *Public Opinion and Lord Beaconsfield,* vol. 1, pp. 237–52.

The First Lord and the Chancellor of the Exchequer state to the Board, that Her Majesty's Government have received a telegram from Her Majesty's Consul-General in Egypt, to the effect that the Khedive has offered to sell his shares in the Suez Canal to Her Majesty for the sum of 100,000,000 fr., and that His Highness will pay interest at the rate of 5 per cent. upon the amount paid upon the shares until the coupons are free, His Highness having disposed of his interest in the coupons for some time to come.

The First Lord and the Chancellor further state that they have been in communication with Messrs. N. de Rothschild and Sons, who, in the event of the offer being accepted, are prepared to carry out the operation as the agents of Her Majesty's Government in London; with that object Messrs. Rothschild will undertake to hold 1,000,000*l.* sterling at the disposal of the Egyptian Government, on the 1st of December next, as soon as they receive an assurance from Her Majesty's Government that the shares in question have been handed over to Her Majesty's Consul-General in Egypt, They will provide the remaining 3,000,000*l.* sterling in the months of December and January, and hold them at the disposal of the Khedive in such manner as may be arranged between His Highness and themselves.

Messrs. Rothschild will charge a commission of 2½ per cent. upon the 4,000,000*l.* sterling which they thus undertake to provide, and they will receive the 5 per cent. interest which the Khedive undertakes to pay upon the amounts advanced, from the date of the advance thereof, until the date of repayment by Her Majesty's Government.

The First Lord and the Chancellor inform the Board that these several proposals have been considered and accepted by Her Majesty's Advisers, and that they have telegraphed to Her Majesty's Consul-General in Egypt that they agree to purchase the shares, 177,642 in number, held by the Khedive, for the sum of 4,000,000*l.* sterling, and that the money will be provided in the manner proposed by Messrs. Rothschild.

The First Lord and the Chancellor point out that Messrs. Rothschild undertake this heavy liability on the pledge of Her Majesty's Government that they will submit the engagement for the sanction of Parliament, and endeavour to obtain the necessary powers to enable them to repay the advance, and pay Messrs. Rothschild's commission as soon as may be practicable after the meeting of Parliament; and they recommend that a letter embodying that pledge in an official form should be written to Messrs. Rothschild without delay.

My Lords approve.

Write to Messrs. Rothschild.

81. ANGLO-EGYPTIAN AGREEMENT FOR PURCHASE OF KHEDIVE'S SUEZ CANAL COMPANY SHARES WITH EXPLANATORY LETTER OF BRITISH AGENT AND CONSUL GENERAL

25 and 27 November 1875

[Great Britain, *Parliamentary Papers, 1876,* vol. 83, pp. 140–42]

At the time that Disraeli arranged for the Rothschild loan, the khedive was believed to possess 177,642 shares of the canal company. It was soon discovered, however, that Isma'il had disposed of 1,040 shares in Paris several years earlier. Account was taken of the discrepancy in the agreement for the sale of the khedive's interest to the British government, concluded by the British Agent and Consul General in Cairo, Major-General Edward Stanton, and the Egyptian Minister of Finance, Isma'il Sadiq Pasha. See references to Doc. 80.

1. GENERAL STANTON'S EXPLANATORY LETTER

My telegram of yesterday afternoon will have informed your Lordship of the conclusion of the negotiations which had been entrusted to me for the purchase of the Khedive's Suez Canal shares, by the deposit of these shares in Her Majesty's Consulate in this town, and I have little to add to the information already conveyed to your Lordship on this matter.

On the receipt of your Lordship's telegram of the 23rd, which reached me on the morning of the 24th instant, I lost no time in proceeding to the palace to inform his Highness of the acceptance of his offer to dispose of his Canal shares to Her Majesty's Government. I was unable at that hour to see the Khedive; but I informed the Minister of Finance, whom I saw in the presence of Nubar Pasha and of the Khedive's "Garde des Sceaux," of the nature of the communication I had to make, and shortly afterwards received the assurance that the terms were agreed to. Being, however, anxious to prevent any misunderstanding on the subject, and also to prevent the possibility of any successful intrigue interfering with the arrangement, I told the Minister I would draw up an agreement for signature, specifying the terms of the engagement entered into.

Before leaving the palace, however, Nubar Pasha had told me that he believed the number of shares in the Khedive's possession did not quite tally with the number specified by your Lordship, as a few of the shares had been disposed of in Paris some ten or twelve years since. I therefore left a

blank in the agreement to be filled up when the actual number of shares in His Highness' possession should be ascertained; and when, shortly afterwards, the Minister of Finance informed me that the shares were 176,602 in number instead of 177,642, as specified by your Lordship, I provided that the value of the 1,040 shares short of the last-named number should be deducted from the amount agreed to be paid by Her Majesty's Government.

I also, as your Lordship will perceive, stipulated that the 5 per cent. interest to be paid by the Egyptian Government to Her Majesty's Government until the coupons were liberated from the existing engagement with the Canal Company, should be charged on the revenues of Egypt, and the amount paid in London by equal half-yearly payments of 100,000*l.* on the 1st of June and 1st of December of each year.

Yesterday morning the Egyptian Government sent me seven large cases containing the shares in question, which cases (having previously verified the fact that they contained Suez Canal shares) I caused to be fastened up and corded in my presence, and then sealed with the seals of the Egyptian Minister of Finance, Her Majesty's Agency and Consulate-General, and of the Consular Court for Cairo, leaving the verification of the numbers till I had received further instructions from your Lordship, and I gave the Egyptian Government a receipt for the seven cases, which are now deposited in Her Majesty's Consulate in this town, pending the receipt of instructions for their disposal.

2. AGREEMENT CONCLUDED BY STANTON AND SADIQ

Whereas, His Highness, the Khedive has proposed to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, and whereas Her Britannic Majesty's Government has proposed to purchase from His Highness the Khedive 177,642 shares in the said Suez Canal Company, for the sum of 4,000,000*l.* sterling.

Now it is hereby witnessed that His Highness the Khedive agrees to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, being to the number of 176,602 shares, not, as supposed by Her Britannic Majesty's Government, 177,642 shares; and Her Britannic Majesty's Government agrees to purchase the same for the sum of 4,000,000*l.* sterling, less the proportionate value of the 1,040 shares, the difference between 177,642, and 176,602, and Her Britannic Majesty's Government agrees to recommend to Parliament to sanction the contract.

Her Britannic Majesty's Government undertakes that on the 1st of December next, on the deposit of the shares in the hands of Her Majesty's Agent and Consul-General in Egypt, the sum of 1,000,000*l.* sterling shall be held at the disposal of the Egyptian Government, in the hands of Messrs. N. de Rothschild and Sons of London; and that the remaining 3,000,000*l.* sterling, less the amount to be deducted for the value of the 1,040 shares above mentioned, shall be provided in the months of December and January next, as may be arranged between the Egyptian Government and Messrs. Rothschild and Sons.

The Egyptian Government undertakes to pay to Her Britannic Majesty's Government interest at the rate of 5 per cent. per annum on the whole amount of the purchase money of the said 176,602 shares, in equal half-yearly payments,—the said payments to be made in London on the 1st of June and the 1st of December in each year, until such time as the coupons of the said shares shall be liberated from the engagement now existing with the Suez Canal Company; and the Egyptian Government further engages that the amount of the said interest shall be charged on the revenues of Egypt.

82. DISRAELI'S DEFENSE BEFORE THE HOUSE OF COMMONS OF HIS SUEZ ACTION
21 February 1876

[Great Britain, *Parliamentary Debates, Commons,* 3rd ser., vol. 227, cols. 652–61]

Although Parliament passed a bill on 15 August 1876 approving the government's action on Suez (text in *British and Foreign State Papers,* vol. 67, pp. 541 ff.), the matter first came before the legislature the preceding February. The opposition, whose chief spokesman was Gladstone, focused on the manner of the purchase and the alleged lack of benefits to Britain from the transaction. Disraeli replied to both charges and left no doubt that his original motive was not commercial but political. See references to Doc. 80.

Sir, although, according to the noble Lord, we are going to give a unanimous vote, it cannot be denied that the discussion of this evening at least has proved one result. It has shown, in a manner about which neither the House of Commons nor the country can make any mistake, that had the right hon. Gentleman the Member for Greenwich been the Prime Minister of this country, the shares in the Suez Canal would not have been purchased. The right hon. Gentleman, in his numerous observations upon the Vote before the House, has divided them under two heads—what he calls the operation and the policy. The right hon. Gentleman found great fault with the conduct of the operation; and though that is not the more important portion of the business, and though it is one which I could have wished to refrain from touching, from the personal details that must be involved necessarily in such a discussion, still as the question has been not only noticed by the two right hon. critics of the evening, but by some who followed them, I have no wish to avoid it, and I certainly shall encounter that question. The right hon. Gentleman defies me to produce an instance of a Ministry negotiating with a private firm. Well, I think the right hon. Gentleman must be in error. [Mr. GLADSTONE: Those were not at all my words.] Unfortunately, we are all on this side under the impression that those were the words. I listened attentively to the right hon. Gentlemen, but it is unnecessary to dwell upon the topic. I was only going to say that I doubted the accuracy of the statement; but I conceive it has nothing to do with the matter before us, which is of an unprecedented character, as I was going to show. The right hon. Gentleman found great fault with the amount of the commission which has been charged by the Messrs. Rothschild and admitted by the Government; and, indeed, both the right hon. Gentlemen opposite took the pains to calculate what was the amount of interest which it was proposed the Messrs. Rothschild should receive on account of their advance. It is, according to both right hon. Gentlemen, 15 per cent; but I must express my surprise that two right hon. Gentlemen, both of whom have filled the office of Chancellor of the Exchequer, and one of whom has been at the head of the Treasury, should have shown by their observations such a lamentable want of acquaintance with the manner in which large amounts of capital are commanded when the Government of a country may desire to possess them under the circumstances under which we appealed to the House in question. I deny altogether that the commission charged by the Messrs. Rothschild has anything to do with the interest on the advance; nor can I suppose that two right hon. Gentlemen so well acquainted with finance as the Member for Greenwich and the Member for the Unversity of London can really believe that there is in this country anyone who has £4,000,000 lying idle at his bankers. Yet one would suppose, from the argument of the right hon. Gentleman the Member for Greenwich, that such is the assumption on which he has formed his opinion in this matter. In the present instance, I may observe, not only the possibility, but the probability, of our having

immediately to advance the whole £4,000,000 was anticipated. And how was this £4,000,000 to be obtained? Only by the rapid conversion of securities to the same amount. Well, I need not tell anyone who is at all acquainted with such affairs that the rapid conversion of securities to the amount of £4,000,000 can never be affected without loss, and sometimes considerable loss; and it is to guard against risk of that kind that a commission is asked for before advances are made to a Government. In this case, too, it was more than probable that, after paying the first £1,000,000, following the signature of the contract, £2,000,000 further might be demanded in gold the next day. Fortunately for the Messrs. Rothschild they were not; but, if they had, there would in all likelihood have been a great disturbance in the Money Market, which must have occasioned a great sacrifice, perhaps the whole of the commission. The Committee, therefore, must not be led away by the observations of the two right hon. Gentlemen, who, of all men in the House, ought to be the last to make them. But the right hon. Gentleman the Member for Greenwich says we ought to have gone to our constitutional financiers and advisers, the Governor and Deputy Governor of the Bank of England, and, of course, the hon. Member for Galway (Mr. Mitchell Henry), who rose much later in the debate, and who spoke evidently under the influence of strong feeling, also says that we ought to have asked the Governor of the Bank of England to advance the £4,000,000. But they forget that it is against the law of this country for the Bank to advance a sum of money to the Ministry. But then it may be said—"Though the Bank could not have advanced the £4,000,000, you might have asked them to purchase the shares." But how could they have purchased the shares? They must have first consulted their legal adviser, who probably would have told them that they had not power to do it; but, even if that doubtful question had been decided in the affirmative, they must have then called a public Court in order to see whether they could be authorized to purchase those shares to assist the Government. Now, I ask the Committee to consider for a moment what chance would we have had of effecting the purchase which we made under the circumstances, and with the competitors we had to encounter, and the objects we had to attain, if we had pursued the course which the right hon. Gentleman opposite has suggested? "But," says the Member for the University of London —and this also has been echoed by his late right hon. Colleague—"you would have avoided all this, if you adopted the course which we indicate, and which I have just reminded the Committee is illegal, if you had only taken the illegal course we recommend, you would have got rid of this discreditable gambling, because although the Messrs. Rothschild, some of whom have been Members of this House, are men of honour, yet they have a great number of clerks who were all gambling on the Stock Exchange." Now, my belief is that the Messrs. Rothschild kept the secret as well as Her Majesty's Government, for I do not think a single human being connected with them knew anything about it. And, indeed, it was quite unnecessary for the Messrs. Rothschild to have violated the confidence which we reposed in them, and quite unnecessary even for the Members of Her Majesty's Government to hold their tongues, for no sooner was the proposal accepted than a telegram from Grand Cairo transmitted the news to the Stock Exchange, and it was that telegram which was the cause of all the speculation and gambling to which the right hon. Gentleman has referred. It is a fact that while the matter was a dead secret in England, the news was transmitted from Cairo. That was the intelligence on which the operations occurred. But I wish to say one word respecting the moral observations which have been made. As to gambling on the Stock Exchange, are we really to refrain from doing that which we think is proper and advantageous to the country because it may lead to speculation? Why, not a remark was made by the noble Lord, who has just addressed the House, the other night, or by me in reply, that would not affect the funds. On the one side people would say—"The Government are

in great difficulty, and probably a Vote of Censure will arise out of this Suez Canal speculation," while other persons would observe—"There is evidently something coming about Egypt, and he is not going to let it all out." Ought we to refrain from doing what is necessary for the public welfare because it leads to stock-jobbing? Why, there is not an incident in the history of the world that led to so much stock-jobbing as the battle of Waterloo, and are we to regret that that glorious battle was fought and won because it led to stock-jobbing? So much for the operations on the Stock Exchange. I think we have been listening all night to remarks on this transaction that have very little foundation. We have been admonished for conduct which has led to stock-jobbing and we have been admonished because we applied to a private firm when from the state of the law, I have shown that it was absolutely necessary from the character of the circumstances we had to deal with that a private firm should be appealed to. And now I come to the policy of the two right hon. Gentlemen, for on that portion of the subject they appear to agree very much. The right hon. Gentleman the Member for the University of London says—"You have your shares, but you have no dividends." And the right hon. Gentleman the Member for Greenwich says —"You have your shares, but you have no votes." That is the great lamentation of the two right hon. Gentlemen. Shrieking and screaming out—"You have no votes and no dividends, though you have the shares," they account for conduct on the part of the Government so totally devoid of sense and calculation as that the Government should become encumbered with all these shares, and yet possess neither the advantage of dividends nor of voting power. They say this is due to the simple circumstance that we acted in total ignorance, that we were innocent—nay, more than innocent—and that the most becoming thing for us to do would be to acknowledge and, at the same time, to regret our fault. Instead of that, they say we triumph in our ignorance, and they absolutely pretend that we were aware of the immense blunder we have committed. It is very remarkable that the two right hon. Gentlemen should have ventured to take up such a position in this case. What is this question of the Suez Canal? From the numerous Papers which have been placed before the House, the House must be tolerably aware that during the whole period of the existence of the present Parliament the question of the Suez Canal has more or less been before us. I am not sure that in the first Cabinet Council we held some decision was not come to on the subject. Then the International Commission at Constantinople had either just terminated, or was involving the Government in a painful and difficult Correspondence. We were represented at the International Commission by Colonel Stokes, who is completely master of the subject, an invaluable public servant, and a man of great intelligence, and who had completely mastered all the details of what was then a very complicated question. From that time until we made the purchase in October last Colonel Stokes has been in almost constant attendance at the Foreign Office. The question of the Suez Canal was constantly before us, and therefore I need not go further to show to the Committee that, although it happened to be a subject upon which we were called in the present instance to decide hastily, we had the advantage of much previous knowledge. Why, my right hon. Friend the Chancellor of the Exchequer was intimately acquainted with the subject, and was himself present at the opening of the Suez Canal. Nothing, in short, can be more unfounded than the assumption of the two right hon. Gentlemen, who wished to convey to the House that Her Majesty's Government had entered into their agreement in perfect ignorance of all the circumstances of the case. This, in fact, was the style of the whole speech of the right hon. Gentleman (Mr. Lowe). Take this away; convince the right hon. Gentleman—or convince, what is easier and more satisfactory, the Committee—that we were aware of these circumstances, and the right hon. Gentleman himself confesses that he might as well

have made no speech at all. Then the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) proceeds in his attack in his own way, and makes a great many objections, but takes up two great positions as grounds of condemnation. "First of all," he says, "I object to this purchase, because it will give you no influence." That is the assertion of the right hon. Gentleman. I might meet it with a counter assertion. I might offer many arguments to show that it will give us a great deal of influence. I might refer to that which has already occurred, and which, though not in its results very considerable, shows some advantage from what has been done, while before a year has elapsed it will possibly show much more. I might refer to the general conviction and the common sense of society that such an investment cannot be treated as absolutely idle and nugatory, as the right hon. Gentleman wishes to treat it. The right hon. Gentleman takes a position from which it is certainly difficult to dislodge him, because it is perfectly arbitrary. He says—"You have no votes." He views the question abstractly. He says—"Here is a company, and you have a great many shares in it, but you are not allowed to vote, and therefore it follows you can have no influence." But everybody knows that in the world things are not managed in that way, and that if you have a large amount of capital in any concern, whatever may be the restrictions under which it is invested, the capitalist does exercise influence. Then the right hon. Gentleman says—"You have no real control over the purchase you have made; and yet that purchase will lead to great complications." Sir, I have no doubt that complications will occur. They always have occurred, and I should like to know the state of affairs and of society in which complications do not and will not occur. We are here to guard the country against complications, and to guide it in the event of complications; and the argument that we are to do nothing—never dare to move, never try to increase our strength and improve our position, because we are afraid of complications is certainly a new view of English policy, and one which I believe the House of Commons will never sanction. I think under these two heads all the criticisms of the right hon. Gentleman are contained. But the noble Lord who has just addressed us says many points were made by the right hon. Gentleman which the Chancellor of the Exchequer did not answer. There is no precedent of a British Ministry treating with a private firm; my right hon. Friend did not answer that. [MR. GLADSTONE: I did not say so.] The right hon. Gentleman, however, says he made no observation of the kind. Then the noble Lord says my right hon. Friend never answered the charge about speculations in Egyptian Stock. Well, I have answered that charge. The noble Lord says my right hon. Friend never touched upon the amount of the commission. I have touched upon it. He says that we never thoroughly cleared ourselves from the charge of not buying the 15 per cent shares. I am here to vindicate our conduct on that point. In purchasing the shares we did, we purchased what we wanted, we gained the end we wished, and why we should involve the country in another purchase, when we should thereby only have repeated the result we had already achieved I cannot understand. The noble Lord says my right hon. Friend never expressed what expectations we had of receiving the £200.000 a-year from the Khedive. We certainly do expect to receive the £200,000 a-year from the Khedive, but we do not suppose that interest which is at the rate of 5 per cent is quite as secure as it would be if it were at the rate of 3¼ per cent. Then the noble Lord says that my right hon. Friend never met the charge of the right hon. Gentleman that our policy would lead to complications with other nations. We believe, on the contrary, that, instead of leading to complications with other nations, the step which we have taken is one which will avert complications. These are matters which to a great degree must be

matters of opinion; but the most remarkable feature of the long harangue of the right hon. Gentleman the Member for Greenwich is that it was in a great degree a series of assumptions, abstract reasonings, and arbitrary conclusions, after which he sat down quite surprised that the Vote should be passed unanimously, and requesting his allies to attack us for not answering that which we have felt not to be substantial, but to consist of assumptions which we believe experience will prove to be entirely false. The right hon. Gentleman charged us, lastly, with not having answered a charge of having abandoned a strong position. The right hon. Gentleman pictured us as having been in a good position before this—a position which he charged us with having abandoned for one of a more doubtful character. Here again, what proof does he bring of the charge he makes? We found ourselves in a position which has been called a strong position, but we could not for a moment think that our position with regard to the Canal was satisfactory. The International Commission sat, as hon. Members know, before the Conservatives acceded to power, and the work it did was greatly assisted by our Predecessors, and by a number of other able and eminent men; but, as I have said, no one who remembers all the circumstances of the case and what has occurred since, can for a moment pretend that our position with regard to the Canal was then satisfactory. At that moment Turkey was in a very different position from that which she occupies at present, as far as authority is concerned. The Khedive himself was in a very good position; and yet those who are familiar with what occurred at that time know the great difficulties which the Government experienced, and the very doubtful manner in which, for a considerable time, affairs looked with regard to the whole business. Therefore I do not agree with the right hon. Gentleman. I feel that at this moment our position is much stronger, and for the reason that we are possessors of a great portion of the capital invested in the Canal. The noble Lord himself has expressed great dissatisfaction, because I have not told him what the conduct of the Government would be with regard to the Canal in a time of war. I must say that on this subject I wish to retain my reserve. I cannot conceive anything more imprudent than a discussion in this House at the present time as to the conduct of England with regard to the Suez Canal in time of war, and I shall therefore decline to enter upon any discussion on the subject. Then the noble Lord passed to the mission of Mr. Cave, and says we have no good account to give of it. It is impossible to give a good account of a mission which is not yet finished. I believe the mission of Mr. Cave to be a wise and a beneficial one, and I look with confidence to satisfactory results flowing from it; but really that mission has nothing to do with the Vote of the evening, and it will be much better to defer any discussion concerning it until we have fuller information before us, and when the Envoy is himself—as I hope he soon will be—in his place in Parliament. What we have to do tonight is to agree to the Vote for the purchase of these shares. I have never recommended, and I do not now recommend this purchase as a financial investment. If it gave us 10 per cent of interest and a security as good as the Consols, I do not think an English Minister would be justified in making such an investment; still less if he is obliged to borrow the money for the occasion. I do not recommend it either as a commercial speculation, although I believe that many of those who have looked upon it with little favour will probably be surprised with the pecuniary results of the purchase. I have always, and do now recommend it to the country as a political transaction, and one which I believe is calculated to strengthen the Empire. That is the spirit in which it has been accepted by the country, which understands it though the two right hon. critics may not. They are really seasick of the "Silver Streak." They want the Empire to be maintained, to be strengthened; they will not be alarmed even it be increased. Because they think we are obtaining a great hold and interest in this important portion of

Africa—because they believe that it secures to us a highway to our Indian Empire and our other dependencies, the people of England have from the first recognized the propriety and the wisdom of the step which we shall sanction tonight.

83. KHEDIVIAL DECREE ESTABLISHING A PUBLIC DEBT COMMISSION IN EGYPT

2 May 1876

[Great Britain, *Parliamentary Papers, 1876,* vol. 83, pp. 71–72]

The purchase by the British government of the khedive's interest in the Suez Canal Company gave Isma'il only a few months' grace from his creditors. No longer able to contract new loans, Isma'il suspended payment of treasury bills in early April 1876. In less than a month he issued, under the influence of French and Italian advisors, the following decree providing for a public debt commission. On 7 May the khedive promulgated a "unification decree" (text in *Parliamentary Papers, 1876,* vol. 83, pp. 69–71) calling for the consolidation of all Egyptian debts at 7 per cent interest. To the specific arrangements laid down in the latest act, the British took exception, and their resistance ultimately led to the issuance of a fresh decree on 18 November 1876 (French text in *British and Foreign State Papers,* vol. 67, pp. 1024–32). Egyptian finances were placed under French and British controllers-general who supervised the revenue and expenditure of the Egyptian Government. M. H. Haekal, *La Dette publique égyptienne;* A. D. Elliot, *Life of George Joachim Goschen,* vol. 1, chap. 5; W. L. Langer, *European Alliances and Alignments,* chap. 8; C. R. Wilson, *Chapters from my Official Life,* chaps. 11–14; Lord Cromer, *Modern Egypt,* vol. 1, chaps. 2–3; G. Duflot, *La Caisse de la dette et les finances égyptiennes;* A. Sammarco, *Précis de l'histoire d'Égypte,* vol. 4, chaps. 16–18; M. G. Mulhall, "Egyptian Finance," *Contemporary Review,* 42 (October 1882), 525–35; L. H. Jenks, *The Migration of British Capital to 1875,* pp. 311–25; J. C. McCoan, *Egypt as It Is,* chaps. 6–7; E. Dicey, *The Story of the Khedivate,* pp. 47–188.

We, the Khedive of Egypt, desiring to take definitive and opportune measures for obtaining the unification of the different debts of the State and those of the Daira Sanieh, and also desiring the reduction of the excessive charges resulting from these debts, and wishing to bear solemn testimony to our firm intention to secure every guarantee to all persons interested, have resolved to establish a special Treasury charged with the regular service of the public debt, and to appoint to its management foreign Commissioners, who at our request will be indicated by the respective Governments as fit officials to fill the post to which they will be appointed by us in the quality of Egyptian officials, and under the following conditions. Having consulted our Privy Council, we have decreed, and do hereby decree, as follows:—

ART. 1. A Treasury of the Public Debt is established, charged with receiving the funds necessary for the interest and the redemption of the debt, and with applying them to this object exclusively.

ART. 2. The officials, the local Treasuries, or the special Administrations, after collecting, receiving, or accumulating the revenues specially devoted to the payment of the debt, are or shall be in future charged to pay them into the Central Treasury or to keep them at the disposal of the Intendants of Public Expenditure ("Ordonnateurs des Dépenses de l'Etat"). The Intendants of Public Expenditure are, by virtue of the present Decree, bound to pay these revenues on account of the State Treasury into the special Treasury of the Public Debt, which will be considered in this respect as a special Treasury. These officials, treasuries and administrations can only procure a valid discharge by means of the vouchers which will be delivered to them by the said Treasury of the Public Debt. Any other order or voucher will not be valid. These same officials, treasuries or administrations will every month send to the Minister of Finance a statement of the receipts or collections made by themselves directly or paid in by the receivers of the

revenues specially devoted to the debt and the payments made into the special Treasury of the Public Debt. The Minister of Finance will communicate these statements to the Administration of the Treasury of the Public Debt.

The Treasury of the Public Debt shall receive from the Daira Sanieh the entire sum necessary for the interest and redemption of the amount of its unified debt, and it shall likewise receive the funds for the yearly payment due to the English Government, and representing the interest on the Suez Canal shares.

ART. 3. If the payments of the revenue devoted to the debt be insufficient to meet the half-yearly charges, the special Public Debt Department will demand from the Treasury, through the intermediary of the Minister of Finance, the sum required to complete the half-yearly payments; the Treasury will have to deliver this sum a fortnight before the payments are due. If the funds in hand constitute a surplus over the amount necessary for the payment of the interest and the sinking fund, the special Treasury of the Public Debt will pay this surplus at the end of each year to the general Treasury of the Exchequer. The Treasury of the Pubic Debt will submit its accounts, which will be examined and reported upon according to law.

ART. 4. The suits which the Treasury and its Directors, on its behalf, acting in the name and in the interests of the creditors, mostly of foreign nationality, may consider they have to bring against the financial administration represented by the Minister of Finance in so far as regards the guardianship of the guarantees of the debt which we have confided to the said Treasury, will be brought in the terms of their jurisdiction before the new tribunals which, in conformity with the agreement entered into with the Powers, have been instituted in Egypt.

ART. 5. The Commissioners selected as stated above will have the direction of the special Treasury of the Pubic Debt. They will be appointed by us for five years, and will sit in Cairo. Their functions may be continued after the five years have expired, and in case of the death or resignation of one of them the vacancy will be filled by us in the manner of the original appointment. They may intrust one of themselves with the functions of President, and the latter will notify his nomination to the Minister of Finance.

ART. 6. The cost of exchange, insurance, and conveyance of specie abroad, as well as the commission for the payment of the coupons, will be borne by the Government. The Directors of the Treasury will come to a previous arrangement with the Ministers of Finance with regard to all these operations, but the Minister will decide whether the despatch of these sums is to be effected in specie or by letters of exchange.

ART. 7. The Treasury will not be allowed to employ any funds, disposable or not, in operations of credit, commerce, industry, &c.

ART. 8. The Government will not be able, without an agreement with the majority of the Commissioners directing the Treasury of the Public Debt, to effect in any of the taxes specially devoted to the Debt any changes which might result in a diminution of the revenue from these taxes. At the same time, the Government may farm out one or several of these taxes, provided that the contract entered into insure a revenue at least equal to that already existing, and may also conclude Treaties of commerce introducing modifications in the Customs duties.

ART. 9. The Government undertakes not to issue any Treasury Bonds or any other new bonds, and not to contract any other loan of any nature whatsoever. This same engagement is entered into in the name of the Daira Sanieh. Nevertheless, in case the Government, from urgent national reasons, should find itself placed under the necessity of having recourse to credit, it may do so within the limits of strict necessity, and without doing anything to affect the employment of the revenues set apart for the Treasury of the Public Debt, or to cause their diversion from their destination. These totally exceptional loans can only be contracted after an agreement on the sub-

ject with the Commissioners directing the Treasury.

ART. 10. In order that the arrangements stated in the preceding article shall not place obstacles in the way of the Administration, the Government may open a running account with a bank to facilitate its payments by means of anticipations to be regulated in accordance with the year's receipts. The debit or credit balance will be settled at the end of each year. This current account must never be overdrawn during the year by more than 50,000,000 fr.

84. SUEZ CANAL COMPANY ASSEMBLY'S RESOLUTION ON BRITISH PARTICIPATION IN THE COMPANY'S COUNCIL
27 June 1876

[Great Britain, *Parliamentary Papers, 1876,* vol. 83, p. 379]

Title to the khedive's shares gave the British government a 44 per cent interest in the Suez Canal Company and made it the largest single stockholder. The United Kingdom, however, was not automatically vested with—and indeed never acquired—command of the company's management. Power to alter the statutes of the company rested in the general meeting or assembly of the stockholders. But article 51 of the statutes stipulated that each owner could cast one vote in the assembly for every 25 shares in his possession up to an absolute maximum of ten votes. England, it was manifest, could not revise the statutes at will. Still, immediately the khedive's shares were purchased, Britain began to press for participation in the company's council or board of directors, which was charged with formulating policy. Originally comprising 32 members, the council was reduced in 1871 to 21. When the assembly voted in 1876 to accept three directors chosen by the British government, the size of the policy-making body was augmented to 24. Not until 1884, when the council was restored to its initial size of 32 members, did England at last secure seven additional seats which it allocated to ship owners. For references, see Doc. 80.

The Assembly, taking into account the XXIVth Article of the Statutes, and considering that there is occasion to ensure the representation of English interests in the Council, on account of the important share in the capital of the Company acquired by Great Britain;

Considering that, with a view of securing this representation, an Agreement has been entered into between the Government of Her Britannic Majesty and the Council of Administration, proposing the creation of three new Administrators' places, and considering the engagement to reserve these places as long as Her Majesty's Government shall remain the possessor of the shares it has acquired, to candidates nominated by the aforesaid Government, presented by the Council. and appointed by the Assembly in accordance with the customary formalities;

Adopts the following Resolution:

The number of Administrators, fixed at twenty-one by the XXIVth Article of the Statutes, as modified by a resolution of the General Assembly of the 24th of August, 1871, is increased to twenty-four.

The three places thus created shall be, from henceforth, and according as vacancies occur, filled up in accordance with the conditions above specified.

85. THE CYPRUS CONVENTION: GREAT BRITAIN AND THE OTTOMAN EMPIRE
4 June 1878–3 February 1879

[Great Britain, Public Record Office, F.O. 93/110/27B]

The Russo-Ottoman War of 1877–78, in which the sultan's forces were roundly defeated, primarily concerned issues in the Balkans. Still Russian troops occupied the northeast corner of Anatolia; and, in the preliminary treaty of peace of 3 March 1878 (text of San Stefano

in Sir Edward Hertslet, *Map of Europe,* vol. 4, pp. 2672–94), the Sublime Porte ceded Batum, Ardahan, Kars, Bayezit, and their immediate environs (article 29). This, Disraeli and most of his cabinet feared, merely presaged a Russian drive toward the Gulf of Alexandretta which, if consummated, would have threatened British imperial communications in the Near and Middle East. Indeed, less than a fortnight after the Russian declaration of war on 24 April 1877, London had warned St. Petersburg against any attempted blockade of the Suez Canal, temporary occupation of Egypt or alteration of the straits regime (text of Derby note, *ibid.,* pp. 2615–17). By November, Disraeli began examining the question of procuring from the Sublime Porte, by purchase or otherwise, a naval base in the eastern Mediterranean. The cabinet formally considered the matter late in February 1878, but three more months elapsed before Cyprus was selected. Cyprus, Foreign Minister Lord Salisbury informed Austen Henry Layard, the British Ambassador at Istanbul, on 16 May, "has the double advantage of vicinity both to Asia Minor and Syria; it would enable us without any act of overt hostility and without disturbing the peace of Europe, to accumulate material of war and, if requisite, the troops necessary for operations in Asia Minor or Syria, while it would not excite the jealousy which other Powers would feel at any acquisitions on the mainland" (Lady G. Cecil, *Life of Robert Marquis of Salisbury,* vol. 2, p. 269). A week later, on instruction from London, Layard handed Sultan 'Abdülhamid II (1876–1909) a draft agreement in the form of a defensive alliance, which he was given two days to accept. Ratifications of the principal instrument were exchanged at Istanbul on 15 July 1878. But in the preamble the sultan phrased the conditions of the alliance so broadly that Britain might have been held liable to defend not merely his provinces in Asia but also those in Europe. To this Salisbury objected. Yet, after prolonged but fruitless effort to have the phraseology altered, the Foreign Office apparently acquiesced by mid-May 1880 in the form of ratifications as originally signed by the sultan. Lady G. Cecil, *Salisbury,* vol. 2, pp. 263–71; W. F. Monypenny and G. E. Buckle, *Life of Benjamin Disraeli,* vol. 6, pp. 291–303; D. E. Lee, *Great Britain and the Cyprus Convention of 1878;* W. N. Medlicott, *The Congress of Berlin and After,* passim; Sir G. Hill, *A History of Cyprus,* vol. 4, chaps. 7, 9; Sir J. Headlam-Morley, *Studies in Diplomatic History,* chap. 7; W. L. Langer, *European Alliances,* chap. 5; H. W. V. Temperley, "Disraeli and Cyprus," *English Historical Review,* 46 (1931), 274–79, 457–60; A. J. Loomie, "The Cyprus Convention of June 4, 1878," *Historical Bulletin,* 26 (March 1948), 57–60.

1. CONVENTION OF DEFENSIVE ALLIANCE, 4 JUNE 1878

ART. I. If Batoum, Ardahan, Kars, or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further territories of His Imperial Majesty the Sultan in Asia, as fixed by the Definitive Treaty of Peace, England engages to join His Imperial Majesty the Sultan in defending them by force of arms.

In return, His Imperial Majesty the Sultan promises to England to introduce necessary reforms, to be agreed upon later between the two Powers, into the government, and for the protection, of the Christian and other subjects of the Porte in these territories; and in order to enable England to make necessary provision for executing her engagement, His Imperial Majesty the Sultan further consents to assign the Island of Cyprus to be occupied and administered by England.

2. ANNEX TO THE CONVENTION, 1 JULY 1878

It is understood between the two High Contracting Parties that England agrees to the following conditions relating to her occupation and administration of the Island of Cyprus:—

I. That a Mussulman religious Tribunal (Mehkéméi Shéri) shall continue to exist in the island, which will take exclusive cognizance of religious matters, and of no others, concerning the Mussulman population of the island.

II. That a Mussulman resident in the Island shall be named by the Board of Pious Foundations in Turkey (Evkaf) to superintend, in conjunction with a Delegate to be appointed by the British Authorities, the administration of the property, funds, and lands belonging to mosques, cemeteries, Mussulman schools, and other

religious establishments existing in Cyprus.

III. That England will pay to the Porte whatever is the present excess of revenue over expenditure in the island; this excess to be calculated upon and determined by the average of the last five years, stated to be 22,936 purses, to be duly verified hereafter, and to the exclusion of the produce of State and Crown lands let or sold during that period.

IV. That the Sublime Porte may freely sell and lease lands and other property in Cyprus belonging to the Ottoman Crown and State (Arazii Miriyé vé Emlaki Houmayoun) the produce of which does not form part of the revenue of the island referred to in Article III.

V. That the English Government, through their competent authorities, may purchase compulsorily, at a fair price, land required for public improvements, or for other public purposes, and land which is not cultivated.

VI. That if Russia restores to Turkey Kars and the other conquests made by her in Armenia during the last war, the Island of Cyprus will be evacuated by England, and the Convention of the 4th of June, 1878, will be at an end.

3. ADDITIONAL ARTICLE ON LEGISLATION, 14 AUGUST 1878

It is understood between the High Contracting Parties, without prejudice to the express provisions of the Articles I, II, and IV of the Annex of the 1st July, 1878, that His Imperial Majesty the Sultan, in assigning the Island of Cyprus to be occupied and administered by England, has thereby transferred to and vested in Her Majesty the Queen, for the term of the occupation and no longer, full powers for making Laws and Conventions for the government of the Island in Her Majesty's name, and for the regulation of its commercial and Consular relations and affairs free from the Porte's control.

4. DECLARATION ON LAND, 3 FEBRUARY 1879

It having been agreed between Her Britannic Majesty's Government and that of His Imperial Majesty the Sultan that all the rights reserved to the Ottoman Crown and Government under Article IV of the Annex to the Convention signed at Constantinople on the 4th June, 1878, shall be commuted by a fixed annual money payment, the Undersigned, the Right Honourable Austen Henry Layard, Her Britannic Majesty's Ambassador Extraordinary and Minister Plenipotentiary to the Sublime Porte, and his Excellency Alexandre Carathéodory Pasha, His Imperial Majesty's Minister for Foreign Affairs, being duly authorized so to do, hereby declare that—

All property, revenues, and rights reserved to the Ottoman Crown and Government in the said Article IV of the Annex to the Convention of the 4th June, including all revenue derived from tapous, mahloul, and intikal are commuted hereby for a fixed annual payment of 5,000*l.* to be made by Her Britannic Majesty's Government to that of His Imperial Majesty the Sultan every year during the British occupation of Cyprus, to be calculated from the beginning of next financial year.

86. THE TREATY OF BERLIN
13 July 1878

(European ratifications exchanged, Berlin, 3 August 1878; Ottoman ratifications, 28 August 1878)

[Great Britain, *Parliamentary Papers, 1878,* vol. 83, 690–705]

Anglo-Russian relations deteriorated markedly in the wake of the Russo-Ottoman War and its preliminary peace settlement at San Stefano. To restore European unity on the Ottoman Empire and bring Russia and England into line, Bismarck proposed that all the signatories of the treaty of Paris of 1856 (Doc. 66) assemble in Berlin to review the terms of the provisional peace which Russia had imposed on the Sublime Porte. Once England had ob-

tained the right to occupy Cyprus—an arrangement not immediately disclosed—in the event of Russia's retention of Ottoman territory in Asia, Disraeli consented to participate in the Congress of Berlin (13 June–13 July 1878). The resulting treaty laid down the definitive conditions of the Russo-Ottoman settlement, later formally endorsed by the two powers in a separate instrument of 27 January/8 February 1879 (text in Sir Edward Hertslet, *Map of Europe,* vol. 4, pp. 2845–51). Apart from the articles appearing below, the treaty of Berlin related exclusively to the Balkans and Crete. W. M. Medlicott, *Congress of Berlin;* W. L. Langer, *European Alliances,* chap. 5; G. C. Thompson, *Public Opinion and Lord Beaconsfield,* vol. 2, pp. 464–96; H. Holborn, *Deutschland und die Türkei, 1878–1890,* chap. 1.

ART. LVIII. The Sublime Porte cedes to the Russian Empire in Asia the territories of Ardahan, Kars, and Batoum, together with the latter port, as well as all the territories comprised between the former Russo-Turkish frontier and the following line:—

The new frontier starting from the Black Sea, and coinciding with the line laid down by the Treaty of San Stefano as far as a point to the north-west of Khorda, and to the south of Artwin, continues in a straight line as far as the River Tchoroukh, crosses this river and passes to the east of Aschmichen, going in a straight line to the south so as to rejoin the Russian frontier indicated in the Treaty of San Stefano, at a point to the south of Nariman, leaving the town of Olti to Russia. From the point indicated near Nariman the frontier turns to the east, passes by Tebrenec, which remains to Russia, and continues as far as the Pennek Tschaï.

It follows this river as far as Bardouz, then turns towards the south, leaving Bardouz and Jönikioy to Russia. From a point to the west of the village of Karaougan, the frontier takes the direction of Medjingert, continues in a straight line towards the summit of the Mountain Kassadagh, and follows the line of the watershed between the affluents of the Araxes on the north and those of the Mourad Sou on the south, as far as the former frontier of Russia.

ART. LIX. His Majesty the Emperor of Russia declares that it is his intention to constitute Batoum a free port, essentially commercial.

ART. LX. The valley of Alaschkerd and the town of Bayazid, ceded to Russia by Article XIX of the Treaty of San Stefano, are restored to Turkey.

The Sublime Porte cedes to Persia the town and territory of Khotour, as fixed by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and of Persia.

ART. LXI. The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.

ART. LXII. The Sublime Porte having expressed the intention to maintain the principle of religious liberty, and give it the widest scope, the Contracting Parties take note of this spontaneous declaration.

In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions and honours, or the exercise of the various professions and industries.

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communions or to their relations with their spiritual chiefs.

Ecclesiastics, pilgrims, and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

The right of official protection by the Diplomatic and Consular Agents of the

Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

The rights possessed by France are expressly reserved, and it is well understood that no alterations can be made in the *status quo* in the Holy Places.

The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

ART. LXIII. The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations.

87. BRITISH POLICY ON EGYPT
16 October 1879

[Great Britain, Public Record Office, F. O. 78/2997]

Khedive Isma'il's attempt in April 1879 to terminate the Anglo-French Dual Control cost him the viceroyship of Egypt. England and France, joined by the other European powers, brought pressure to bear on the sultan, who on 26 June deposed Isma'il and named as khedive his eldest son Tawfiq. In September the British and French controllers-general were reappointed on the express condition that they could not again be dismissed without the approval of the two European governments. The following letter of instructions from Foreign Secretary Lord Salisbury to Edward Malet, Her Majesty's new agent and consul general in Cairo, illumines British policy toward Egypt in the twilight period between the purchase of the Suez shares in 1876 and the occupation of the country six years later. W. L. Langer, *European Alliances,* chap. 8; M. H. Haekal, *La Dette publique égyptienne,* chap. 4; M. Sabry, *La Génèse de l'esprit national égyptien, 1863–1882,* chap. 4; C. de Freycinet, *La Question d'Égypte,* chap. 2; M. Kleine, *Deutschland und die ägyptische Frage, 1875–1890,* pp. 17–32.

As you will shortly proceed to Egypt to take up the appointment of Her Majesty's Agent and Consul-General in that country, I think it right to address to you some observations as to the principles by which your conduct should be guided.

The leading aim of our policy in Egypt is the maintenance of the neutrality of that country, that is to say, the maintenance of such a state of things that no great Power shall be more powerful there than England.

This purpose might, of course, be secured by the predominance of England itself, or even by the establishment of the Queen's authority in the country. Circumstances may be conceived in which this would be the only way of attaining the object; but it would not be the best method. It would not in the present state of affairs confer any other advantages than opportunities of employing English people and introducing English capital; and these would be outweighed by the responsibilities, military and financial, it would entail. The only justification of such a policy would consist in its being the only available mode of assuring the neutrality of Egypt towards us.

With this object in view it is obvious that we can have no jealousy of Native rule in itself. On the contrary, its continuance is, for us, the easiest solution of the problem. But it must not degenerate into anarchy, or perpetuate the oppression of recent years. Egypt is too much in view of the whole world, and there are too many interests attaching to it, to be suffered to relapse into the barbarous administration which in Persia and Burmah has resulted in misery so acute as to produce depopulation. An opinion would grow up in Europe in favour of intervention, which, in this case, would mean occupation; and if England could not satisfy it, she would not be able to prevent some other Power from doing so.

For this reason there is a value in the present relations between Egypt and the Porte, however anomalous they may appear to be. In case of extreme misgovernment,

they furnish a machinery for changing the ruler, without any violation of Treaties or breach of diplomatic comity. They enable us to exercise a general control without taking over the government.

We have no present reason, therefore, for wishing any formal change in the position or institutions of Egypt; and the only change in the present, or rather the recent, practice which we desire is, that these institutions shall be worked with tolerable honesty, and with economy and humanity. Thus worked, they furnish what we want—an Egyptian neutrality which has a fair chance of permanence. Our Representatives in Egypt should, therefore, do all in their power to sustain the Native Government in its efforts to govern the country well; and this, for the present, must be an object with which no other should be allowed to interfere. So long as the country is formally independent, the Natives only can govern it. If they cannot do it, no one else can do it—without military occupation. It has been sufficiently proved that the Mussulmans will not willingly obey a Government which is nominally European, or of which the prevailing and most conspicuous elements are European. Their reluctance can only be overcome by force; and force the Europeans do not possess without military occupation.

It becomes, therefore, matter of great moment to make the Native Government succeed. For this purpose it should, in its own interest, employ Europeans largely, and should be pressed to do so, if insensible to its own interest in that respect; but they must be kept as much in the background as possible. They should not be used in sufficient numbers to destroy the apparent authority of the Native Government; and the employments to which they are named should be selected rather with a view to the effective exercise of power, than to the possession of conspicuous official rank. The posts which confer the greatest influence, and excite the least jealousy, are the posts which should be sought for Europeans.

In the performance of their duty as counsellors of the Egyptian Government, the Representatives of Her Majesty will be distinguished by one peculiar mark from those of any other Power. The policy they counsel will not be shaped by the interests of any particular class of creditors. It is their duty to do what they properly can to secure any rights Englishmen may possess in the country; they will not exclude English creditors from the benefit of this rule; and, for the sake of Egypt herself, they will wish that she should pay her debts. If, therefore, it shall appear that any particular claim, or class of claims, in which Englishmen are largely interested, is being unfairly treated by reason of the diplomatic support given to competing creditors of other nationalities, the English Agent cannot refuse to interfere. But the protection of the private interests of creditors or others will be an object of a merely secondary kind, and will not compete with the important political aims which it is their chief duty to secure.

This singularity of their attitude in regard to the Egyptian debts is likely to be brought speedily into view. One of the questions which will be the most hotly debated in the ensuing winter at Cairo will be the proportion in which the various classes of creditors are to be paid. Almost all must forego some portion of their claim, and the sacrifices demanded may be larger than any of them expect. It will of course be the duty of the English Agent to interpose if any English claimant should be subjected to manifest injustice. But, save in such a contingency, which is improbable, the controversy will not affect English interests; and the English Agent will do wisely to be sparing of his advice in respect to it so long as it concerns the interests of the creditors alone.

It cannot, however, be long restricted within these limits. It must either at first, or in the end, take the form of an issue between the interests of the creditors and the interests of the Egyptian Administration. The amount of the assets which will remain for the creditors to divide will depend on the amount which is first taken out of the revenue to pay the costs of Government. It will be for the interest of the

creditors to put this sum at as low a figure as they can, and their zeal to do so may possibly lead them to proposals incompatible with the efficiency of the Administration. The present attitude of the Governments of Austria, France, Germany, and Italy, favour the conjecture that in this dispute they will lean rather to the side of the creditors than to that of the Government.

In such a policy, if they pursue it, Her Majesty's Government cannot follow them. To England the efficiency of the Administration is of paramount importance; in comparison with it the interests of the creditors must take an inferior place. On this point Her Majesty's Representative will be forced to separate himself very decidedly from his colleagues, if they take the course I have anticipated. Without favouring extravagance, he must urge on the Khedive the reservation of a sufficient sum to ensure the preservation of order, the due administration of justice, and the efficient maintenance of the public works on which the prosperity of the country depends.

What I have said refers to the present order of things; it serves the interest of England better than any that apparently could be substituted for it, and the efforts of Her Majesty's Agent must be chiefly directed to insure that it shall work efficiently, and thus continue to exist.

But the contingency of a failure in these efforts must be contemplated. The character of the present Khedive gives ground for hope; on the other hand, the character and capacity of the men by whom he is surrounded, and from whom his Ministers must be chosen, justify apprehension as to the future. It may be that the causes of decay which at present threaten all the Mahommedan countries of the world will prove incurable in Egypt also. Such an issue is, however, in any case, probably distant, and the conditions under which it may take place cannot be foreseen now. But the possibility of it must be borne in mind. When it comes, if it is to come, it must find England as strong as any other country in substantial influence.

If any tendency betrays itself so to arrange the European appointments that a preponderance either in importance or number is assigned to other European nations, a state of things is being created which in the case of a collapse of Egypt would be dangerous to English interests. Her Majesty's Agent should, therefore, watch these appointments with vigilance, and interpose on any symptom of a hostile inclination on the part of the Government in this respect. I should be disposed to attach less importance to the distribution of Native appointments. In all Oriental countries where Embassies are powerful, the Native competitors for place are very ready to enrol themselves as clients of one Power or the other. But their friendship is not trustworthy, and their success of little real value to the Power of whom they are nominally partisans. Foreign Representatives in supporting them are apt to allow their exertions to degenerate into a race for small diplomatic victories, and in the struggle the object of appointing the best man is entirely forgotten. To us, whose chief interest in Egypt is that the Government should last and work well, it is much more important that the best men should be employed than that the partisans of England should be promoted. This principle, however, must not be stretched so far as to sanction the abandonment of Native statesmen or officials who, by listening to the advice of England, had exposed themselves to the resentment either of some other Agency, or of the Native authorities.

It should further be borne in mind that if the Ottoman Empire were to fall to pieces, and Egypt become independent, the part of Egypt which interests England is the sea-coast, including the railway and other communications across the Isthmus. If it should happen that Egypt were divided, and the sea-coast and communications remained under the dominant influence of England, while the interior were to be otherwise disposed of—supposing the stability of such an arrangement could be guaranteed—England would have no reason to be dissatisfied with it.

In the disposal, therefore, of European appointments, it is of primary importance to keep in English hands, as far as may be

possible, the harbours, customs, lighthouses, and the communications by land and water from sea to sea. It is only of course to a limited extent that this can be done; and the necessity is not sufficiently urgent at present to justify steps which would awaken the jealousy of other Powers. But the extension and consolidation of English influence upon these points is the object which, as regards the future, must be kept in view. Whether it shall be pursued slowly or energetically must depend upon the circumstances of the moment.

88. AGREEMENT: GREAT BRITAIN AND THE SHAYKH OF BAHRAYN
22 December 1880

(Ratified by the British Government, 1881)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, p. 237]

The Bahrayn islands in this period were valuable chiefly for their pearl fisheries. British treaty relations with the archipelago commenced in 1820 with the adhesion of the Bahrayni shaykh to the general treaty for the suppression of piracy and slave traffic (Doc. 35). Subsequent compacts in 1856, 1861, and 1868 progressively enlarged British influence. In the following instrument the shaykh surrendered his external sovereignty, thus virtually placing the islands under British protection. G. N. Curzon, *Persian Question*, vol. 2, pp. 454–58; Aitchison, *op. cit.*, pp. 190–97; see also references to Doc. 77.

I, Isa bin Ali Al Khalifeh, Chief of Bahrein, hereby bind myself and successors in the Government of Bahrein to the British Government to abstain from entering into negotiations or making treaties of any sort with any State or Government other than the British without the consent of the said British Government, and to refuse permission to any other Government than the British to establish diplomatic or consular agencies or coaling depots in our territory, unless with the consent of the British Government.

This engagement does not apply to or affect the customary friendly correspondence with the local authorities of neighbouring States on business of minor importance.

89. ANGLO-FRENCH (GAMBETTA) NOTE TO THE KHEDIVE AND ITS IMMEDIATE CONSEQUENCES
8 January–11 February 1882

[Great Britain, *Parliamentary Papers, 1882*, vol. 82, pp. 6–7, 148–49, 182]

The operations of the Dual Control placed a heavy financial strain on the Egyptians and gave rise to local restiveness. Egyptian civil servants and military officers particularly resented external interference in the domestic affairs of the country and preferential treatment of Europeans in government employ and of Turco-Circassians in the army. Egyptian army officers, led by Colonel Ahmad 'Urabi, staged a demonstration before the viceregal palace on 9 September 1881 and, by forcing Khedive Tawfiq to accept their demands for representative government and a larger army, gained substantial mastery over the government. The Anglo-French communication of 8 January 1882, commonly known as the Gambetta Note after its author, Léon Gambetta, the French Foreign Minister of the day, was intended to restore effective authority to the Khedive. Instead, the move evoked protests from the Sublime Porte and the remaining European powers, so that in less than five weeks, on London's initiative, Britain and France repudiated the purposes of their earlier action. Anglo-French indecisiveness, in effect, further undermined the khedive's position. W. L. Langer, *European Alliances*, chap. 8; C. de Freycinet, *Question d'Égypte*, pp. 205–30; A. Bioves, *Français et Anglais en Égypte, 1881–1882;* P. E. L. Deschanel, *Gambetta*, pp. 303–20; M. Sabry, *La Génèse de l'esprit national égyptien*, chaps. 4–5; W. S. Blunt, *Secret History of the English Occupation of Egypt*, chap. 8; M. Kleine, *Deutschland und die ägyptische Frage*, part 2,

chap. 1; J. Cocheris, *Situation internationale de l'Égypte et du Soudan*, chap. 4; L. E. Roberts, "Italy and the Egyptian Question, 1878–1882," *Journal of Modern History*, 18 (1946), 314–32.

1. ANGLO-FRENCH NOTE, 8 JANUARY 1882

You have already been instructed on several occasions to inform the Khedive and his Government of the determination of England and France to afford them support against the difficulties of various kinds which might interfere with the course of public affairs in Egypt.

The two Powers are entirely agreed on this subject, and recent circumstances, especially the meeting of the Chamber of Notables convoked by the Khedive, have given them the opportunity for a further exchange of views.

I have accordingly to instruct you to declare to the Khedive that the English and French Governments consider the maintenance of His Highness on the throne, on the terms laid down by the Sultan's Firmans, and officially recognized by the two Governments, as alone able to guarantee, for the present and future, the good order and the development of general prosperity in Egypt in which France and Great Britain are equally interested.

The two Governments being closely associated in the resolve to guard by their united efforts against all cause of complication, internal or external, which might menace the order of things established in Egypt, do not doubt that the assurance publicly given of their formal intentions in this respect will tend to avert the dangers to which the Government of the Khedive might be exposed, and which would certainly find England and France united to oppose them. They are convinced that His Highness will draw from this assurance the confidence and strength which he requires to direct the destinies of Egypt and its people.

2. PROTEST OF SUBLIME PORTE TO BRITISH FOREIGN SECRETARY, 13 JANUARY 1882

Your Excellency is aware that the Consuls-General of France and England in Egypt have just made simultaneous and identic communications to His Highness the Khedive, in accordance with the instructions of their Governments.

In view of the Imperial Firman which the Sublime Porte has promulgated relative to this province, and the proceedings of the recent Turkish Special Mission, the step taken by the two Consulates-General shows that the reiterated assurances of the Imperial Government have not been appreciated. We cannot, therefore, disguise the painful impression which it has made upon us, and we find ourselves compelled to submit some observations upon it to the sentiments of justice and equity of the English Government.

Always to protect the immunities granted to Egypt, and thus to preserve the order and prosperity of this province, is the sincere wish and interest of the Imperial Government, whose efforts up till now have been directed towards this end. It would be impossible, we believe, to affirm that there exists the slightest indication, material or moral, of anything opposed to this end, nor are there any circumstances in Egypt which could serve as a motive for foreign assurances of this kind. Nothing, therefore, justifies the collective communication which has just been made to His Highness Tewfik Pasha, especially since Egypt forms an integral part of the possessions of His Imperial Majesty the Sultan, and since the power conferred upon the Khedive for the maintenance, if necessary, of order and public security, and for the proper administration of the country, as well as the strengthening of his authority for this purpose, comes essentially within the rights and prerogatives of the Sublime Porte.

From the moment that such a step was considered necessary it seems to us only natural that the opinion of the sovereign Power should be first obtained regarding it, and that this channel alone should have been employed to make the declaration, and give the desired assurances. Consequently, we think ourselves justified in considering the direct communication made to the Khedive improper, and the Sublime

Porte finds itself obliged to inquire the reasons which induced the English Government to associate itself with the Government of the French Republic in a step which it considers as infringing upon its rights of sovereignty over Egypt.

The observations mentioned above have been transmitted also to the Imperial Embassy at Paris.

I have to request you to speak to the Minister for Foreign Affairs in the above sense, extending it, as you may think opportune, and to bring clearly before his Excellency the pressing necessity of our receiving explanations and assurances which may free the Imperial Government from the difficult position in which it finds itself in consequence of what has just taken place at Cairo.

3. BRITISH AMBASSADOR AT ISTANBUL TO FOREIGN SECRETARY GRANVILLE, 2 FEBRUARY 1882

The Representatives of Russia, Italy, Austria, and Germany made to-day at the Porte an identic communication in the form of a *pro-memoriâ* in reply to that in which the Porte conveyed to the Governments in question its telegram to London and Paris concerning the identic note to the Khedive.

The communication of the four Powers states that the above Governments desire the preservation of the *status quo* in Egypt on the basis of the European arrangements and of the Firmans of the Sultan; and that they are of opinion that the *status quo* could not be modified except by an accord between the Great Powers and the Suzerain Power.

4. FOREIGN OFFICE CIRCULAR INSTRUCTIONS TO BRITISH DIPLOMATIC REPRESENTATIVES IN BERLIN, VIENNA, ROME AND ST. PETERSBURG, 11 FEBRUARY 1882

The reports at present received from Egypt are not of a nature to excite apprehension of early disorder and anarchy. But we are in presence of a crisis which may give rise to an encroachment upon the order of things established by the Firmans of the Sultan and by the international engagements of Egypt, whether with England and France alone, or with all the other Powers. Her Majesty's Government are informed that the answer of the four Powers to the recent protest of the Porte against the Declaration made to the Khedive by the English and French Governments on the 8th January is based on a recognition of existing arrangements in Egypt.

Her Majesty's Government are now agreed with the Government of France that, in view of events which might occur in Egypt, it is desirable to ascertain whether the other Powers would be willing to enter upon an exchange of views as to the best mode of dealing with the question on the basis of the maintenance of the rights of the Sovereign and of the Khedive; of international engagements and the arrangements existing under them, whether with England and France alone or with those two nations and the other Powers; the preservation of the liberties secured by the Firman of the Sultan; together with the prudent development of Egyptian institutions.

The Governments of England and France do not consider that a case for discussing the expediency of an intervention has at present arisen, since on the part of the Chamber of Notables and of the new Government the intention is avowed to maintain international engagements; but, should the case arise, they would wish that any such eventual intervention should represent the united action and authority of Europe.

In that event it would also, in their opinion, be right that the Sultan should be a party to any proceeding or discussion that might ensue.

Your Excellency will read this despatch to the Minister for Foreign Affairs, and leave a copy with him should he desire it.

90. FOREIGN SECRETARY GRANVILLE'S CIRCULAR OUTLINING BRITISH POLICY IN EGYPT

3 January 1883

[Great Britain, *Parliamentary Papers, 1883,* vol. 83, pp. 38–40]

The nationalists became progressively more entrenched in Egypt in the first half of 1882. Fearing that the army might be tempted to depose Tawfiq, Britain and France in May strengthened their fleets off the Egyptian coast. The display of unusual naval force merely intensified the resentment of the nationalists. Anti-European disorders spread swiftly from Alexandria, where they first occurred on 11 June, through the larger cities in the Delta. In England, the Liberal Gladstone government vacillated between joint action with France and full internationalization of the Egyptian question. Indeed, in the early summer of 1882 when the British alone sent troops ashore, warships of all the principal powers filled Alexandria harbor, the European diplomats at Istanbul were conferring formally on the issue, and the British were engaging in bilateral talks with the Sublime Porte on measures that that government might adopt. In the end, France wavered, and so did Italy which the United Kingdom had also invited to cooperate. The Istanbul conference failed to produce a formula, while the Ottomans gave a consummate performance of their customary diplomacy by deferment. England thus blundered into exclusive control over Egypt. But once the plunge was taken, the Foreign Office left no doubt of its policy: British authority in the land would continue supreme for the duration of the occupation. This Lord Granville made palpable in circular instructions, reproduced below, to the British diplomatic representatives in Paris, Berlin, Vienna, Rome, and St. Petersburg. W. L. Langer, *European Alliances,* chaps. 8, 9; C. W. Hallberg, *Suez Canal,* chaps. 16, 17; Sir J. Headlam-Morley, *Studies in Diplomatic History,* chap. 3; C. de Freycinet, *Question d'Égypte,* pp. 230–353; E. Fitzmaurice, *The Life of Granville,* vol. 2, chaps. 7, 9; Sir F. Maurice and Sir G. Arthur, *The Life of Lord Wolseley,* chap. 7; S. Kamel, *La Conférence de Constantinople et la question égyptienne en 1882;* M. Kleine, *Deutschland und die ägyptische Frage,* part 2, chap. 1; J. Cocheris, *Situation internationale de l'Égypte et du Soudan,* chaps. 5–6.

The course of events has thrown upon Her Majesty's Government the task, which they would willingly have shared with other Powers, of suppressing the military rebellion in Egypt, and restoring peace and order in that country. The object has happily been accomplished; and although for the present a British force remains in Egypt for the preservation of public tranquillity, Her Majesty's Government are desirous of withdrawing it as soon as the state of the country, and the organization of proper means for the maintenance of the Khedive's authority, will admit of it. In the meanwhile, the position in which Her Majesty's Government are placed towards His Highness imposes upon them the duty of giving advice with the object of securing that the order of things to be established shall be of a satisfactory character, and possess the elements of stability and progress.

The subjects to be treated may be divided into two categories: those which concern other countries, and are matters for the consent or concurrence of the European Powers; and those which are matters of internal administration.

To begin with the former class: one result of recent occurrences has been to call special attention to the Suez Canal, firstly, on account of the danger with which it was threatened during the first brief success of the insurrection; secondly, in consequence of its occupation by the British forces in the name of the Khedive, and their use of it as a base of the operations carried on in His Highness' behalf, and in support of his authority; and thirdly, because of the attitude assumed by the Direction and officers of the Canal Company at a critical period of the campaign.

As regards the first two of these points, Her Majesty's Government believe that the free and unimpeded navigation of the Canal at all times, and its freedom from obstruction or damage by acts of war, are matters of importance to all nations. It has been

generally admitted that the measures taken by them for protecting the navigation, and the use of the Canal on behalf of the territorial Ruler for the purpose of restoring his authority, were in no way infringements of this general principle.

But to put upon a clearer footing the position of the Canal for the future, and to provide against possible dangers, they are of opinion that an agreement to the following effect might with advantage be come to between the Great Powers, to which other nations would subsequently be invited to accede:—

1. That the Canal should be free for the passage of all ships, in any circumstances.

2. That in time of war a limitation of time as to ships of war of a belligerent remaining in the Canal should be fixed, and no troops or munitions of war shoud be disembarked in the Canal.

3. That no hostilities should take place in the Canal or its approaches, or elsewhere in the territorial waters of Egypt, even in the event of Turkey being one of the belligerents.

4. That neither of the two immediately foregoing conditions shall apply to measures which may be necessary for the defence of Egypt.

5. That any Power whose vessels of war happen to do any damage to the Canal should be bound to bear the cost of its immediate repair.

6. That Egypt should take all measures within its power to enforce the conditions imposed on the transit of belligerent vessels through the Canal in time of war.

7. That no fortifications should be erected on the Canal or in its vicinity.

8. That nothing in the agreement shall be deemed to abridge or affect the territorial rights of the Government of Egypt further than is therein expressly provided.

Passing to the financial arrangements which have been the subject of agreement with all the Powers in connection with the Law of Liquidation, Her Majesty's Government are induced to believe that greater economy and simplicity may be attained in regard to the management of the Daïra Estates and some other Administrations by certain changes of detail which would not diminish the security of the creditors. They trust shortly to be in a position to lay before the Powers definite proposals for this purpose.

A question in which all the Powers are interested, and which connects itself with the general subject of finance, is that of the equal taxation of foreigners and natives. Her Majesty's Government feel convinced that the Powers will be prepared to join them in accepting any equitable proposals of the Egyptian Government for the purpose of placing foreigners on the same footing as natives in regard to taxes from which they are at present exempt.

As regards the Mixed Tribunals which have been established in Egypt by international agreement for the decision of civil suits between natives and foreigners, you are aware that the prolongation of the present system, which was agreed to in January last, would naturally expire on the 1st February next. Her Majesty's Government have advised the Egyptian Ministry to propose a further prolongation of a year, in order to give time for the discussion of amendments in the Codes and procedure which was interrupted by the events of the present year.

This concludes the list of questions which are matters of direct international arrangement with the Powers.

Her Majesty's Government communicate this outline of their views, as the initiative seems, after what has occurred, to fall on them, and submit it for the consideration of the Powers, in the hope that it will meet with their approval.

With reference to the second class of questions, the first and most pressing of the measures of internal administration is the organization of a force for the maintenance of public security against external or internal attack. Both on grounds of economy and of safety, Her Majesty's Government think it desirable that the Egyptian army should be a small one, and that the duty of maintaining order within the country should be discharged, as far as possible, by a separate force of gendarmerie and of police. The Khedive and his Ministers have ex-

pressed a strong wish that British officers should be lent, to fill certain posts in the army, under the Commander-in-chief of the Khedive, and to this Her Majesty's Government have expressed their willingness to agree for a time, and on a system which would give Egyptian officers access to some of the higher commands. The details of the scheme are still under consideration, but the general principles are sufficiently indicated in what I have stated.

Among the administrative arrangements of recent years, one of great importance was the institution of the English and French Controllers-General, with certain attributions in relation to the revenue and expenditure of the State, to which the French Government, and more recently that of England, became parties.

Upon this subject I inclose, for your information, and for communication to the Government to which you are accredited, a copy of a note officially delivered by the Egyptian Government to the British and French Agents in Egypt on the 7th November, containing a proposal for the abolition of the Control, and a statement of the grounds on which that course is advocated. I also inclose a copy of the instructions which Her Majesty's Government have addressed to the Earl of Dufferin in reply to this communication, from which it will be seen that, for the reasons therein stated, and subject to a reservation as to the appointment for the present of an European official as financial adviser to the Khedive, Her Majesty's Government are prepared to accede to the proposal of the Egyptian Government. In this measure they earnestly desire the concurrence of France.

Her Majesty's Government have urged strongly upon the Khedive the necessity of at once introducing an improved system for the administration of justice to natives throughout the country, and they trust that in a short time effective measures will be taken for this purpose.

The question of the suppression of the Slave Trade, and of the abolition, as far as possible, of slavery in Egypt, is one which Her Majesty's Government have much at heart. They will lose no favourable opportunity of advising the Khedive to take such steps as may be judicious for the attainment of these objects.

There remains the question of the development of political institutions in Egypt. It is one of great importance and complexity, and requires for its treatment careful study of the circumstances of the country and people. Her Majesty's Government are of opinion that the prudent introduction of some form of representative institutions may contribute greatly to the good government of the country and to the safety and regularity of the Khedive's rule. But they await further Reports from their Representatives in Egypt before coming to a conclusion as to the shape which would be best suited to the present occasion, while affording opportunities for future growth.

Her Majesty's Government have wished to give full information to the Powers on all these matters, which are immediately connected with the peace, security, and social order of Egypt, and on which, accordingly, they have thought it their duty to advise the Khedive as to the best mode of exercising his governing power. They trust that the spirit in which they have proceeded will be found to be in consonance with the views of the other Governments who take an interest in the welfare of that country.

You will communicate a copy of this despatch to the Government to which you are accredited.

91. CONVENTION ON EGYPTIAN AFFAIRS: GREAT BRITAIN AND THE OTTOMAN EMPIRE
24 October 1885

(Ratifications exchanged, Istanbul, 24 November 1885)

[Great Britain, *Parliamentary Papers, 1886,* vol. 74, pp. 41–43]

No sooner had England launched its occupation of Egypt than the Sublime Porte, aided and abetted by France and Russia, sought to have the occupation terminated. Despite the contrary views of Queen Victoria and of the imperialist faction of the Liberal Party, the Gladstone government nevertheless gave repeated assurances that the presence of British forces in Egypt was only a temporary measure. But the occupation itself had been motivated chiefly by anxiety over defense of the Suez Canal, so vital to British imperial communications. To this was added British apprehension over the Mahdi Muhammad Ahmad's revolt against khedivial administration in the Sudan, which endangered the security of Egypt's southern frontier and multiplied the financial burdens of a government already heavily in debt. To allay Ottoman fears and European jealousies while safeguarding British interests, Sir Henry Drummond Wolff was sent to Istanbul in mid-August 1885 to negotiate a settlement with the Sublime Porte. Lord Salisbury, once again Foreign Minister in a Conservative government, instructed Wolff to accept the principle of evacuation but without binding "ourselves to a fixed date" or to "the formal consent of the Powers to anything we do" and to acquire "a treaty right to occupy Alexandria when we pleased." Salisbury was even prepared, he informed the British Ambassador at Vienna, "to get Turkish soldiers—they need not be in any very great numbers—sent to Egypt, both for the obvious convenience of using soldiers who will stand the heat better than ours, and who are of the same religion as the natives—but also and still more for a political reason. . . . It seems to us that small bodies of Turkish troops, sent there to stay as long as the English, and go when they go, will regularise our position" (Lady G. Cecil, *Salisbury,* vol. 2, pp. 235–36). M. F. Hornik, "The Mission of Sir Henry Drummond Wolff to Constantinople, 1885–87," *English Historical Review,* 55 (1940), 598–623; Sir H. D. Wolff, *Rambling Recollections,* vol. 2, chaps. 59–62; C. de Freycinet, *La Question d'Égypte,* pp. 333–73; M. Kleine, *Deutschland und die ägyptische Frage,* part 2, chaps. 2–3; C. W. Hallberg, *Suez Canal,* chap. 17; J. Cocheris, *Situation internationale de l'Égypte et du Soudan,* chaps. 7–8.

ART. I. Her Britannic Majesty and His Imperial Majesty the Sultan will respectively send a High Commissioner to Egypt.

ART. II. The Ottoman High Commissioner will consult with His Highness the Khedive, or with the functionary who shall be designated for that purpose by His Highness, upon the best means for tranquillizing the Soudan by pacific measures.

The Ottoman High Commissioner and His Highness the Khedive will keep the English High Commissioner currently informed of the negotiations, and as the measures to be decided upon form part of the general settlement of Egyptian affairs. they shall be adopted and placed in execution in agreement with the English High Commissioner.

ART. III. The two High Commissioners will reorganize, in concert with His Highness the Khedive, the Egyptian army.

ART. IV. The two High Commissioners, in concert with His Highness the Khedive, will examine all the branches of the Egyptian Administration, and may introduce into them the modifications which they may consider necessary, within the limits of the Imperial Firmans.

ART. V. The international engagements contracted by His Highness the Khedive will be approved by the Ottoman Government in so far as they shall not be contrary to the privileges granted by the Imperial Firmans.

ART. VI. So soon as the two High Commissioners shall have established that the security of the frontiers and the good working and stability of the Egyptian Government are assured, they shall present a Report to their respective Governments, who

will consult as to the conclusion of a Convention regulating the withdrawal of the British troops from Egypt in a convenient period.

92. CONVENTION ON EGYPT: GREAT BRITAIN AND THE OTTOMAN EMPIRE
22 May 1887

[Great Britain, *Parliamentary Papers, 1887,* vol. 92, pp. 538–45]

In accordance with the 1885 convention (Doc. 91), Wolff and Muhtar Paşa were named High Commissioners by Britain and the Sublime Porte, respectively, to study the situation in Egypt. On the basis of their inquiry Anglo-Ottoman negotiations were resumed to frame a more explicit agreement that would, without compromising basic British interests, reaffirm Ottoman sovereignty and satisfy the demands of France and Russia for a full British withdrawal. The United Kingdom promptly ratified the latest convention. But the Sublime Porte did not follow suit, primarily owing to the inflexible opposition of France and Russia which were annoyed especially by the ambiguity of article 5. The British, it is manifest, were not displeased with the outcome, for they could point to their accommodating attitude. The annexes of the 1887 convention are not reproduced here. Lady G. Cecil, *Salisbury,* vol. 4, chap. 2; also references, Doc. 91.

ART. I. The Imperial Firmans at present in force in Egypt are confirmed, except in so far as they may be modified by the present Convention.

ART. II. The Khediviate of Egypt comprises the territories set forth in the Imperial Firmans concerning Egypt.

ART. III. The Imperial Ottoman Government will invite the Powers parties to the Treaty of Berlin to approve a Convention for better securing the freedom of navigation through the Suez Canal.

By such Convention the Imperial Ottoman Government will declare that this maritime Canal shall be always free and open, whether in time of peace or of war, for ships of war and merchant-vessels passing from one sea to the other, without distinction of flag, on payment of the dues and in conformity with the regulations actually in force, or with those which may hereafter be promulgated by the competent administration.

The Convention shall provide that the Great Powers shall undertake on their side never to impede the free passage of the Canal in time of war, and to respect the property and establishments belonging to the Canal.

It shall also provide that the Canal shall never be subjected to blockade, and that no right of war or act of hostility shall be exercised either within the Canal, or within a radius of 3 marine miles from the ports of Suez and Port Saïd.

It shall also be laid down that the Diplomatic Agents of the Signatory Powers in Egypt shall watch over the execution of the Convention whenever circumstances may arise of a nature to threaten the safety or freedom of passage of the Canal; that these Agents shall assemble when convened by one of their body, under the presidency of the special Commissioner named for that purpose by the Sublime Porte, or by the Khedive, in order to verify and record the cases of danger, and they shall inform the Egyptian Government thereof, in order that it may adopt proper measures to insure the protection and free passage of the Canal; that in any case they shall assemble once a-year, in order to record that the Convention has been duly observed.

It shall moreover be provided that no obstacle can be placed in the way of any measures which may be necessary for the defence of Egypt and the security of the Canal, and, finally, that the two High Contracting Parties shall also invite the other Powers to adhere thereto in the same manner as the Powers parties to the above mentioned Convention.

ART. IV. Inasmuch as the abnormal state of the Soudan, and the troubles caused by political events in Egypt may for some time render necessary the adoption of ordinary

precautions for the safety of the frontiers, and the internal security of Egypt, Her Britannic Majesty's Government will superintend the military defence and organization of the country.

For this purpose, it will maintain in Egypt the number of British troops it may consider necessary, and will continue to exercise a general inspection of the Egyptian army.

The conditions concerning the withdrawal of the British troops, and the cessation of all supervision exercised by the Government of Her Britannic Majesty over the Egyptian army, shall be fulfilled in conformity with the stipulations of Article V of the present Convention.

ART. V. At the expiration of three years from the date of the present Convention, Her Britannic Majesty's Government will withdraw its troops from Egypt. If at that period the appearance of danger, in the interior or from without, should render necessary the adjournment of the evacuation, the British troops will withdraw from Egypt immediately after the disappearance of this danger, and two years after the aforesaid evacuation the provisions of Article IV above shall completely cease to have effect.

On the withdrawal of the British troops, Egypt shall enjoy the advantages of the principle of territorial immunity ("sûreté territoriale"), and on the ratification of the present Convention the Great Powers shall be invited to sign an Act recognizing and guaranteeing the inviolability of Egyptian territory.

Under such Act no Power shall have the right, under any circumstance, to land troops on Egyptian territory except in the cases provided for in the Regulations annexed to the present Convention.

Nevertheless, the Imperial Ottoman Government will make use of its right of occupying Egypt militarily if there are reasons to fear an invasion from without, or if order and security in the interior were disturbed, or if the Khediviate of Egypt refused to execute its duties towards the Sovereign Court, or its international obligations.

On its side, the Government of Her Britannic Majesty is authorized by this Convention to send, in the above-mentioned cases, troops into Egypt, which will take the measures necessary to remove these dangers. In taking these measures, the Commanders of these troops will act with all the regard due to the rights of the Sovereign Powers.

The Ottoman troops as well as the British troops will be withdrawn from Egypt as soon as the causes requiring this intervention shall have ceased.

If, by reason of hindrances, the Ottoman Government should not send troops to Egypt, it will send a Commissioner to remain during the period of the sojourn of the British troops with their Commander.

Whenever the two States may consider it necessary to send troops into Egypt, they will notify the circumstance one to the other, and will act in conformity with the present Convention.

ART. VI. When the present Convention shall have been ratified, the two High Contracting Parties shall notify the fact in the first instance to the Powers parties to the Treaty of Berlin, and subsequently to the other Governments who have made or accepted arrangements with the Khediviate of Egypt, inviting them to give to it their adhesion.

93. CONVENTION ON THE FREE NAVIGATION OF THE SUEZ CANAL: THE EUROPEAN POWERS AND THE OTTOMAN EMPIRE

29 October 1888

[Great Britain, *Parliamentary Papers, 1889,* Commercial No. 2, C. 5623.]

To the conditions for regulating the Suez Canal laid down in the Granville circular (Doc. 90) the French objected, proposing instead the creation of an international commission of the powers chiefly interested in the waterway. As early as June 1885, an instru-

ment was drafted incorporating the proposals of Britain and France. But the representative of the United Kingdom appended a reservation which, in effect, suspended the application of the clauses on the international commission for the duration of the British occupation of Egypt. Although the convention was ultimately signed in 1888 by Austria, Germany, Italy, the Netherlands, the Ottoman Empire, Russia, and Spain, as well as Britain and France, it did not become operative—because of Britain's insistence on its reservation of 1885 and France's opposition thereto—until after the conclusion of the Anglo-French understanding of 1904 (Doc. 104). The 1888 convention still remains in force. C. W. Hallberg, *Suez Canal,* chap. 17; Sir A. T. Wilson, *Suez Canal,* chap. 6; H. J. Schonfield, *The Suez Canal in World Affairs,* chap. 6.

ART. I. The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently, the High Contracting Parties agree not in any way to interfere with the free use of the Canal, in time of war as in time of peace.

The Canal shall never be subjected to the exercise of the right of blockade.

ART. II. The High Contracting Parties, recognizing that the Fresh-Water Canal is indispensable to the Maritime Canal, take note of the engagements of His Highness the Khedive towards the Universal Suez Canal Company as regards the Fresh-Water Canal; which engagements are stipulated in a Convention bearing date the 18th March, 1863, containing an *exposé* and four Articles.

They undertake not to interfere in any way with the security of that Canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

ART. III. The High Contracting Parties likewise undertake to respect the plant, establishments, buildings, and works of the Maritime Canal and of the Fresh-Water Canal.

ART. IV. The Maritime Canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of Article I of the present Treaty, the High Contracting Parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the Canal, shall be committed in the Canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent Powers.

Vessels of war of belligerents shall not revictual or take in stores in the Canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the Canal shall be effected with the least possible delay, in accordance with the Regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Saïd and in the roadstead of Suez shall not exceed twenty-four hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of twenty-four hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile Power.

ART. V. In time of war belligerent Powers shall not disembark nor embark within the Canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the Canal, men may be embarked or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

ART. VI. Prizes shall be subjected, in all respects, to the same rules as the vessels of war of belligerents.

ART. VII. The Powers shall not keep any vessel of war in the waters of the Canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Saïd and Suez, the number of which shall not exceed two for each Power.

This right shall not be exercised by belligerents.

ART. VIII. The Agents in Egypt of the Signatory Powers of the present Treaty shall be charged to watch over its execution.

In case of any event threatening the security or the free passage of the Canal, they shall meet on the summons of three of their number under the presidency of their Doyen, in order to proceed to the necessary verifications. They shall inform the Khedivial Government of the danger which they may have perceived, in order that that Government may take proper steps to insure the protection and the free use of the Canal. Under any circumstances, they shall meet once a year to take note of the due execution of the Treaty.

The last-mentioned meetings shall take place under the presidency of a Special Commissioner nominated for that purpose by the Imperial Ottoman Government. A Commissioner of the Khedive may also take part in the meeting, and may preside over it in case of the absence of the Ottoman Commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the Canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

ART. IX. The Egyptian Government shall, within the limits of its powers resulting from the Firmans, and under the conditions provided for in the present Treaty, take the necessary measures for insuring the execution of the said Treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the Signatory Powers of the Declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which shall be taken in virtue of the present Article.

ART. X. Similarly, the provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defence of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan, or His Highness the Khedive, should find it necessary to avail themselves of the exceptions for which this Article provides, the Signatory Powers of the Declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four Articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defence of its other possessions situated on the eastern coast of the Red Sea.

ART. XI. The measures which shall be taken in the cases provided for by Articles IX and X of the present Treaty shall not interfere with the free use of the Canal. In the same cases, the erection of permanent fortifications contrary to the provisions of Article VIII is prohibited.

ART. XII. The High Contracting Parties, by application of the principle of equality as regards the free use of the Canal, a principle which forms one of the bases of the present Treaty, agree that none of them shall endeavour to obtain with respect to the Canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial Power are reserved.

ART. XIII. With the exception of the obligations expressly provided by the clauses of the present Treaty, the sovereign rights of His Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

ART. XIV. The High Contracting Parties agree that the engagements resulting from the present Treaty shall not be limited by the duration of the Acts of Concession of the Universal Suez Canal Company.

ART. XV. The stipulations of the present Treaty shall not interfere with the sanitary measures in force in Egypt.

ART. XVI. The High Contracting Parties undertake to bring the present Treaty to the knowledge of the States which have not signed it, inviting them to accede to it.

94. CONCESSION OF THE TOBACCO *RÉGIE* IN PERSIA
8 March 1890

[Great Britain, *Parliamentary Papers, 1892,* vol. 79, pp. 211–13]

Ever since the early nineteenth century, Persia—later Afghanistan and Tibet as well—lay in the path of British and Russian expansion in Central Asia. Strategically, Russia aimed at consolidating its hold over the annexed territories limitrophe with Persia; England at strengthening, in defense of India, the British grip over the northwest provinces of the subcontinent and the exclusive British position in the Persian Gulf area. In the last quarter of the century nationals of each of the two powers obtained a series of concessions which bid fair to subordinate the Persian economy to the concessionnaires. The grant to a British subject, Major G. F. Talbot, of a monopoly of the production, domestic sale and export of tobacco—including the *tunbaku* used in the *qalyan* or Persian water pipe—aroused throughout the realm such a storm of protest, organized by the *mujtahids* and *mullas* (members of the religious classes) and encouraged by the Russians, that Nasir-al-Din Shah (1848–96) annuled the contract on 5 January 1892. In April the shah borrowed the £500,000 damages that he paid to Talbot at 6 per cent interest from the (British-owned) Imperial Bank of Persia, "thus gratuitously imposing on the Persian people, who had been entirely ignored by both parties to the original agreement, an utterly unremunerative additional yearly expenditure of £30,000" (E. G. Browne, *The Persian Revolution of 1905–1909,* p. 57). To the fiasco of the Tobacco *Régie* (Administration), in Browne's view, may be traced the origin of the national awakening in Persia, which culminated a decade and a half later in the constitutional revolution. Browne, *op. cit.,* chap. 2; J. B. Feuvrier, *Trois ans à la cour de Perse,* chap. 5; W. Litten, *Persien, von der "penetration pacifique" zum "Protektorat,"* pp. 195–97; G. N. Curzon, *Persia and Persian Question,* vol. 2, chaps. 29 (ii), 30.

The monopoly of buying, selling, and manufacturing all the tootoon and tobacco in the interior or exterior of the Kingdom of Persia is granted to Major Talbot by us for fifty years from the date of the signing of this Concession, in accordance with the following stipulations:—

1. The concessionnaires will have to pay 15,000*l.* per annum to the exalted Imperial Treasury whether they benefit or lose by this business, and this money shall be paid every year, five months after the beginning of the year.

2. In order merely to ascertain the quantities of tootoon and tobacco produced in the protected provinces (of Persia) the concessionnaires will keep a register of the cultivators who wish to work under the conditions of this Concession, and the Persian Government will issue strict orders to the local Governors to compel the cultivators of tobacco and tootoon to furnish such a registration.

Permission for sale, &c., of tootoon, tobacco, cigars, cigarettes, snuff, &c., is the absolute right of the concessionnaires, and no one but the proprietors of this Concession shall have the right to issue the abovementioned permits.

The Guilds of the sellers of tobacco and tootoon who are engaged in this trade will remain permanent in their local trade and transactions, on condition of possessing permits which will be given to them by the concessionnaires.

3. After deducting all the expenses appertaining to this business and paying a dividend of 5 per cent. on their own capital to the proprietors of this Concession, one quarter of the remaining profit will yearly be paid to the exalted Imperial Treasury, and the Persian Government will have the right to inspect their (the concessionnaires') yearly books.

4. All the materials necessary for this work which the proprietors of this Concession import into the protected provinces (Persia) will be free of all customs duties, taxes, &c.

5. Removal and transfer of tootoon and tobacco in the protected provinces (of Persia) without the permission of the proprietors of this Concession is prohibited, except as such quantities as travellers may have with them for their own daily use.

6. The proprietors of this Concession must purchase all the tootoon and tobacco that are produced in the protected provinces and pay cash for it. They must purchase all the tobacco, &c., fit for use that is now in hand, and the price that is to be given to the owner or the producer will be settled in a friendly manner between the producer or the owner and the proprietors of this Concession, but in case of disagreement between the parties the case will be referred to an Arbitrator accepted by both sides, and the decision of the Arbitrator will be final and will be carried out.

7. The Persian Government engages not to increase the revenues, taxes, and customs that are now levied on tootoon, tobacco, cigars, cigarettes, and snuff for fifty years from the date of the signing of the Concession, and the proprietors also undertake that all the customs that the Persian Government now obtains from tobacco shall be continued as they are.

8. Any person or persons who shall attempt to evade (the rules) of these Articles will be severely punished by the Government, and any person or persons found to be secretly in possession of tobacco, tootoon, &c., for sale or trade, will also be fined and severely punished by the Government. The Government will give its utmost help and support in all the business of the proprietors of this Concession, and the proprietors of this Concession undertake in no way to go beyond their own rights consistent with these Articles.

9. The proprietors of this Concession are permitted, should they wish, to transfer all their rights, Concessions, undertakings, &c., to any person or persons, but, prior to this, they must inform the Persian Government.

10. The producer or owner of tootoon and tobacco, whenever his crop of tobacco and tootoon is gathered, shall at once inform the nearest agent of the proprietors of this Concession of the quantity, in order that the proprietors of this Concession may be able to carry out the engagements in above-mentioned Article 6, and to purchase it quickly.

11. The proprietors of this Concession have no right to purchase lands, except to the necessary extent, for store-houses and abodes, and what may be necessary to carry out this Concession.

12. The cultivators, in accordance with certain conditions which will be made in conjunction with the Government, are entitled to be given an advance to a limit for their crop.

13. If, from the date of the signing of this Concession until one year, a Company to carry it out is not formed, and the work does not begin, this Concession will be null and void, except that war or such like may prevent the formation of a Company.

14. In case of misunderstanding arising between the Persian Government and the proprietors of this Concession, that misunderstanding shall be referred to an Arbitrator accepted by both sides, and in case of the impossibility of consent to the appointment of an Arbitrator, the matter will be referred to the arbitration of one of the Representatives, resident at Tehran, of the Government of the United States, Germany, or Austria, to appoint an Arbitrator, whose decision shall be final.

15. This Concession is exchanged in duplicate with the signature of His Imperial Majesty, registered in the Foreign Ministry, between Major Talbot and the Persian Government, and the Persian text of it is to be recognized.

95. RUSSO-PERSIAN RAILROAD AGREEMENT
28 October/10 November 1890

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 13, app. xxiii, p. lxxxi]

Russian influence in Persia, in many respects, overtopped that of England as the nineteenth century drew to a close. Most of the Persian cities, the capital included, were concentrated in the northern provinces, where Russian mastery was generally acknowledged. Ever since 1879 the Tsarist regime controlled the only effective military force in the country, the Persian Cossack Brigade, trained and commanded by Russian officers, who received instructions from St. Petersburg and salary from Tehran. A Russian subject first procured the Caspian Sea fisheries concession—the source of Russia's best caviar—in 1876 and managed by frequent renewal to retain it through World War I. Nasir-al-Din Shah awarded Baron Julius de Reuter, a British citizen, the concession for the Imperial Bank of Persia in 1889 with the exclusive right to issue bank notes. Russia promptly demanded, and in 1891 obtained, a concession to open the *Banque des Prêts,* later called the *Banque d'Escompte de Perse,* an offshoot of the Russian Ministry of Finance. In this context of Anglo-Russian rivalry must the restrictive railroad concession of 1890 be viewed. The tsarist government was determined to prevent the construction, by any but Russian nationals, of railroads in Persia for fear that one day they might convey British troops toward Asiatic Russia. All these activities were conducted with no concern whatsoever for the interest of Persia or the Persians. This document has been dated in accordance with the Persian date on the instrument. E. G. Browne, *Persian Revolution, passim;* W. Litten, *Persien,* chaps. 3–31; E. Lorini, *La Persia economica contemporanea e la sua questione monetaria,* chaps. 13–14; G. N. Curzon, *Persia and Persian Question,* vol. 2, chaps. 29 (ii), 30.

As the Ministers of the Government of His Most Sacred Majesty the Shah have declared that there are difficulties in the way of their carrying out the engagements entered into in Rejeb 1306 (March 1888) regarding the construction of railways in Persia by Russian Companies, the Ministers of the Government of His Imperial Majesty the Czar of all the Provinces of Russia have agreed to alter the above-mentioned engagements as follows; and His Highness the Amin-es-Sultan, Grand Vizier of the Government of His Most Sacred, Sublime and Absolute Shah of all the Provinces of Persia, and His Excellency Monsieur de Butzow, Minister Plenipotentiary and Envoy Extraordinary of His Imperial Majesty the Most Mighty Emperor of all the Provinces of Russia, empowered by their respective Governments have drawn up the following conditions:—

(1) The Persian Government engages, for the space of ten years, beginning from the date of the signature of this agreement, neither itself to construct a railway in Persian territory, nor to permit nor grant a concession for the construction of railways to a Company or other persons; and after the expiration of ten years the renewal of the prolongation shall be immediately discussed between the two parties.

(2) By railway lines is understood those upon which steam or any other power is used, of which all kinds are included in this agreement.

(3) Tramway lines worked by horses are excluded from this agreement, but only those in towns and on roads near towns.

(4) A railway line from Tehran to Shemran, where the summer residences of His Most Sacred Sublime Majesty are situated, the most distant of which is two farsakhs from Tehran, is excluded from this engagement and agreement.

(5) After the signature of this agreement that portion of the document, dated Rejeb 1306 (March 1888) relating to railways, becomes null and void.

96. MASQATI NONALIENATION BOND GIVEN TO THE UNITED KINGDOM
20 March 1891

(Ratified by Viceroy of India, Simla, 23 May 1891)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, pp. 317–18]

Masqat, alternatively called 'Uman (not to be confused with the Trucial 'Uman) or Masqat and 'Uman "may, indeed, be justifiably regarded as a British dependency," observed G. N. Curzon in 1892 (*Persia and Persian Question,* vol. 2, p. 443). "We subsidize its ruler; we dictate its policy; we should tolerate no alien interference. I have little doubt myself that the time will some day come when, as these petty native states crumble before the advance of a friendly civilisation, a more definite possession will be required, and the Union Jack will be seen flying from the castles of Muscat." Lord Curzon's crystal ball was clouded. British influence in the sultanate, as the shaykhdom was then commonly designated by Europeans, became by the end of the nineteenth century paramount but not exclusive. The new commercial treaty concluded on 19 March 1891 (text in Aitchison, *op. cit.,* pp. 310–17) replaced the earlier instrument of 1839 and amplified the extraterritorial privileges of British and Indian nationals. Accompanying the latest agreement was the following secret nonalienation bond, which curtailed, but did not eliminate, the sultan's external sovereignty. The capitulatory treaties with the United States, France, and the Netherlands remained in force, and the British political agent was styled consul. In extracting from the Masqati Imam the nonalienation bond, Britain violated the 1862 joint Anglo-French declaration (Doc. 74), in which the two European powers undertook to respect the sovereignty of Masqat and Zanzibar. The United Kingdom and Masqat concluded fresh commercial agreements in 1939 (Great Britain, Treaty Series No. 29 (1939), Cmd. 6037) and in 1951 (Treaty Series No. 44 (1952), Cmd. 8633). H. J. Liebesny, "International Relations of Arabia," *Middle East Journal,* 1 (1947), 148–68; Sir A. T. Wilson, *Persian Gulf,* chap. 15; G. N. Curzon, *Persian Question,* vol. 2, pp. 433–46; Aitchison, *op. cit.,* pp. 269–86; P. Graves, *The Life of Sir Percy Cox,* chaps. 5–8; F. Kajare, *Le Sultanate d'Omân,* pp. 186–205.

The object of writing this lawful and honourable Bond is that it is hereby covenanted and agreed between His Highness Seyyid Feysal bin Turki bin Seyyid, Sultan of Muscat and Oman, on the one part, and Colonel Edward Charles Ross, Companion of the Star of India, Her Britannic Majesty's Political Resident in the Persian Gulf, on behalf of the British Government, on the other part, that the said Seyyid Feysal bin Turki bin Saeed, Sultan of Muscat and Oman, does pledge and bind himself, his heirs and successors never to cede, to sell, to mortgage or otherwise give for occupation, save to the British Government, the dominions of Muscat and Oman or any of their dependencies.

In token of the conclusion of this lawful and honourable Bond Seyyid Feysal bin Turki bin Saeed, Sultan of Muscat and Oman, and Colonel Edward Charles Ross, Companion of the Star of India, Her Britannic Majesty's Political Resident in the Persian Gulf, the former for himself, his heirs and successors, and the latter on behalf of the British Government, do each, in the presence of witnesses affix their signatures on this ninth day of Shaaban one thousand three hundred and eight (A.H.) corresponding to the twentieth day of March (A.D.) 1891.

97. EXCLUSIVE AGREEMENT: THE BAHRAYNI SHAYKH AND BRITAIN
13 March 1892

(Ratified by the Viceroy of India, Simla, 12 May 1892)

[C. U. Aitchison, comp., *Collection of Treaties* (1933, 5th ed.), vol. 11, p. 238]

In the undertaking reproduced below the Bahrayni Shaykh reaffirmed in more explicit terms his original surrender of external sovereignty in 1880 (Doc. 88) and added thereto a general nonalienation clause. H. J. Liebesny, "International Relations of Arabia," *Middle East Journal,* 1 (April 1947), 148–68; see also references to Doc. 77.

I, Esau bin Ali, Chief of Bahrein, in the presence of Lieutenant-Colonel A. C. Talbot, C.I.E., Political Resident, Persian Gulf, do hereby solemnly bind myself and agree, on behalf of myself, my heirs and successors, to the following conditions, *viz.*:—

1st.—That I will on no account enter into any agreement or correspondence with any Power other than the British Government.

2nd.—That without the assent of the British Government, I will not consent to the residence within my territory of the agent of any other Government.

3rd.—That I will on no account cede, sell, mortgage or otherwise give for occupation any part of my territory save to the British Government.

98. THE (BASLE) PROGRAM OF THE WORLD ZIONIST ORGANIZATION
29 August 1897

[N. Sokolow, *History of Zionism* (London, 1919), vol. 1, pp. 268–69]

Jewish immigration into Palestine grew steadily in the second half of the nineteenth century and accounted, in the main, for the enlargement of the local Jewish community from about 10,000 in 1839 to some 24,000 in 1882. As a result of the persecution of Jews in Russia and the consequent formation of the Love of Zion (*Hibbat Ziyyon*) Movement for promoting Jewish settlement in Palestine, the Jewish population was again doubled by 1897. In that year the World Zionist Organization came into being, largely under the leadership of a Viennese Jewish journalist, Theodor Herzl, and transformed Zionism into a political movement. The constituent congress of the organization in Basle, Switzerland (27–29 August 1897), adopted as its basic aims the following platform. A. Böhm, *Die zionistische Bewegung,* 2 vols.; I. Cohen, *The Zionist Movement;* N. Sokolow, *History of Zionism,* 2 vols.; J. Parkes, *A History of Palestine;* Esco Foundation for Palestine, *Palestine, a Study of Jewish, Arab and British Policies,* vol. 1, chap. 1; J. C. Hurewitz, *Middle East Dilemmas,* chap. 4.

The aim of Zionism is to create for the Jewish people a home in Palestine secured by public law. The Congress contemplates the following means to the attainment of this end:—

1. The promotion, on suitable lines, of the colonization of Palestine by Jewish agricultural and industrial workers.

2. The organization and binding together of the whole of Jewry by means of appropriate institutions, local and international, in accordance with the laws of each country.

3. The strengthening and fostering of Jewish national sentiment and consciousness.

4. Preparatory steps towards obtaining Government consent, where necessary, to the attainment of the aim of Zionism.

99. AGREEMENT ESTABLISHING A CONDOMINIUM IN THE SUDAN: BRITAIN AND EGYPT
10 November 1898–10 July 1899

[Cromer's memorandum of 10 November 1898 from Great Britain, Public Record Office, F.O. 78/4957; the two agreements of 19 January and 10 July 1899 from *British and Foreign State Papers,* 91, pp. 19–22]

Mehmed 'Ali Paşa, in the name of his suzerain Sultan Mahmud II, embarked on the conquest of the Sudan in 1820 and forged the links between Egypt and the Sudan in modern times. In the Egyptian settlement of 1841 the Sultan nominally preserved a greater degree of control over the Sudan than over Egypt (Docs. 50, 51). The Sudan was evacuated by Egyptian and British troops in the early years of the British occupation in the wake of the Mahdi Muhammad Ahmad's insurrection (1881–85). Britain organized the reconquest of the territory in 1896–98 with Anglo-Egyptian forces primarily to forestall French designs. The United Kingdom rested its claim to take part in the administration of the Sudan on its participation in the reconquest. But Baron (raised to Earl, 1901) Cromer, Her Majesty's Agent and Consul General in Egypt (1883–1907), had to devise a formula that would placate France, preclude Ottoman interference, exclude the European powers from the enjoyment of capitulatory privileges in the Sudan, admit Egypt to a role in the administration and establish British paramountcy. "It was manifest," noted Lord Cromer (*Modern Egypt,* vol. 2, p. 115), "that these conflicting requirements could not be satisfied without the creation of some hybrid form of government, hitherto unknown to international jurisprudence." The form was a condominium, or the joint administration of the Sudan by Britain and Egypt. Perhaps the best statement of the meaning of the Anglo-Egyptian agreement on the Sudan is Lord Cromer's explanatory memorandum sent with the draft instrument to Foreign Secretary Lord Salisbury on 10 November 1898. Together with this memorandum the two Anglo-Egyptian agreements on the Sudan of 19 January and 10 July 1899 are reproduced below. M. Abbas, *The Sudan Question;* M. Shibeika, *British Policy in the Sudan, 1882–1902;* A. B. Theobald, *The Mahdiya;* M. B. Giffen, *Fashoda, the Incident and Its Diplomatic Setting;* V. A. O'Rourke, *The Juristic Status of Egypt and the Sudan;* A. A. el-Erian, *Condominium and Related Situations in International Law;* Lord Cromer, *Modern Egypt,* vol. 2, chap. 33 (for background, vol. 1, chaps. 19–27, vol. 2, chaps. 28–32); W. S. Churchill, *The River War, an Account of the Reconquest of the Sudan;* Sir H. MacMichael, *The Sudan;* C. de Freycinet, *La Question d'Égypte,* 391–421; J. Cocheris, *Situation internationale de l'Égypte et du Soudan,* chaps. 11–14.

1. LORD CROMER'S MEMORANDUM, 10 NOVEMBER 1898

It is becoming a matter of much importance to settle the future political status of the Soudan. I have carefully considered whether it would not be possible to allow matters to drift on, and to settle each point of difficulty on its own merits as it comes up for solution. If we only had to deal with the natives of the Soudan, much might be said in favour of the adoption of this course. The purely native requirements are, in fact, very simple.

A light system of taxation, some very simple forms for the administration of civil and criminal justice, and the appointment of a few carefully selected officials with a somewhat wide discretionary power to deal with local details, are all that for the time being is necessary. Gradually, as was done in what used to be called the "Non-regulation" provinces in India, a more regular and complex system could be substituted for the somewhat patriarchal forms of Government which, for the present, would suffice to meet the circumstances of the case.

We have, however, not merely to deal with the natives of the Soudan. Numerous demands have been received from Europeans who wish to reside, to invest capital, to trade with, and to acquire real property in the country. It is obviously both impossible to exclude them and undesirable to do so, for without European capital and assistance, no real progress can be made. One of

the main difficulties of the situation, therefore, consists in the very marked contrast between the primitive institutions which, for the time being at all events, are alone suitable to the native population, and the more complex administrative and judicial machinery which the presence of Europeans in the country will in some degree necessitate. Under these circumstances, we shall, I think, be obliged to some extent to fall back, for a while at all events, on the argument that if Europeans choose to trade with, or reside in a country only just emerging from barbarism, they must rest content with the best judicial and administrative institutions that the Government can give them—and the best will certainly be, for the time being, defective if judged, not merely by an European but by an Egyptian standard. It is possible that some special court will have to be eventually created for the trial of civil and criminal affairs in which Europeans are interested. I need not, however, dwell on this point now. It is one which will require very careful consideration before any action is taken. The question which demands more immediate treatment is somewhat different. It is how by timely action to prevent the acquisition of rights and the recognition of privileges to Europeans, similar to the rights and privileges which exist in Egypt. I cannot but think that, if we allow Europeans to trade with, and, still more, to reside and to hold real property in the Soudan, without some distinct declaration of the general political, administrative and judicial régime which is for the future to exist in that country, we shall be laying the seeds of much future trouble. It is only just and politic that Europeans should have some foreknowledge of what they have to expect. In default of any authoritative declaration, they may not unnaturally consider—and many of them will certainly consider—that the status of Europeans resident in the Soudan is similar to that which obtains in Egypt.

On these grounds, as well as for the reason that, from a political point of view, it would seem desirable from the outset to define the British position in the Soudan with as great precision as is possible, I venture to think that some public act laying down the political status of the Soudan is necessary.

What, therefore, is the political status of the country to be? Annexation by England would, of course, solve all the difficulties of which I am now treating. But I understand that, for many obvious political and financial reasons, we do not wish to annex. On the other hand, the recognition of the Soudan as a portion of the Ottoman Dominions in no way distinct from the rest of Egypt, would perpetuate all the international difficulties and obstruction of which, during the last 15 years, we have had such an unfortunate experience in dealing with Egyptian affairs. Under these circumstances, we have to find a compromise between the two extremes. Such a compromise may, I think, be found; but it is to be remembered that we shall be creating a status hitherto unknown to the law of Europe, and that, therefore—more especially in view of the extreme complication of some of the details—it is no easy matter to put down on paper any arrangement which may confidently be predicted to be workable in practice, and perfectly capable of defence in all its parts by valid and logical argument.

I think the arrangement had better take the form of a convention, or agreement, with the Egyptian Government.

The validity of any such convention may, and, without doubt, will be challenged.

In the first place, it may be argued that under the Imperial Firmans, the Khedive has no right to make any treaty with a Foreign Power, other than commercial and customs conventions, and those which concern the relations of foreigners with the internal administration of the country.

Moreover, it is laid down in the Firman to the present Khedive that he "shall not, "on any pretext or motive, abandon to "others, in whole or in part, the privileges "accorded to Egypt, which are entrusted to "him and which pertain to the inherent "rights of the Sovereign Power, nor any "portion of the territory".

To arguments based on these considerations a twofold answer may be given.

In the first place, it may be said that the

convention is no treaty properly so-called; that in signing it the Khedive will not perform any act of external sovereignty; that he will merely be exercising his acknowledged right of making arrangements for the internal administration of the territory accorded to him by the Firmans; and that the fact of the Egyptian flag continuing, in concert with the British, to fly everywhere in the Soudan, shows that the suzerainty of the Sultan is, in part at all events, still recognised in that country.

This argument is, however, in my opinion, weak, for the more we dwell on whatever fragment of the Sultan's suzerainty which will remain, the more difficult will it be to differentiate the Soudan from the rest of the Ottoman Dominions in respect to the treatment of Europeans and other subjects.

I prefer, therefore, to take our stand boldly on the second argument, and that is that the Egyptian army, which forms part of the Ottoman army, was unable to maintain its position in the Soudan, and would unaided have been quite unable to reconquer that country; that the reconquest has been effected by English money, English troops, and Egyptian troops officered and trained by Englishmen; that this fact confers on Her Majesty's Government, on the recognised principles of international law, predominant rights in the determination of the future régime of the country; that the question of whether the Khedive is acting within his rights is therefore beside the mark, for that, rather than ceding anything to England, he is obtaining concessions from England.

I now procede to offer some explanatory remarks on the various articles of the draft convention annexed to this Memorandum.

PREAMBLE. In the preamble allusion is made incidentally and inferentially to the rights of the Khedive anterior to the Mahdist rebellion, but more prominence is given to the rights of the British Government accruing from the fact of the reconquest. It appears necessary to state these rights, as they alone constitute the real justification for the creation of a political and administrative status in the Soudan different to that which exists in Egypt.

ART. 1. This article gives a definition of the territories which, for the purposes of the present convention, will be comprised in the Soudan. I should mention, by way of explanation, that the 22nd. parallel of latitude runs a few miles North of Wadi Halfa. Suakin is well South of this line.

If we wish to be perfectly consistent with the principles more or less explicitly set forth in the preamble, the term Soudan should be strictly limited to the territories which formerly belonged to Egypt, which were subsequently held by the Dervishes, and which, at one time or another, have been reconquered with British assistance. To do this, however, will create great administrative inconvenience, for we shall then have to exclude Suakin and Wadi Halfa from the Soudan. Neither of these towns has ever been occupied by the Dervishes, although it would be perfectly correct as a matter of fact to say that, but for the defensive action taken from time to time by British troops and under British auspices, they would certainly have been lost to Egypt during the rebellion.

It will be observed that in this article the territories comprised in the Soudan are divided into three categories. These are:

(1) Those "which have never been evac-"uated by Egyptian troops since the year "1882". This formula has been adopted in order to include Wadi Halfa and Suakin.

(2) Those "which, having before the late "rebellion in the Soudan been administered "by the Government of His Highness the "Khedive, were temporarily lost to Egypt "and have been reconquered by Her Majes-"ty's Government and the Egyptian Gov-"ernment acting in concert". Under this heading will be included all the territory recently reconquered. There is an objection to saying "all the territory which formerly belonged to Egypt" (or words to that effect) without any limitation as to reconquest by an Anglo-Egyptian force, as the use of these words might be held to include part of the Equatorial Province, and even possibly Zeyla and Berbera, which, of

course, are not intended to be included in the present agreement.

(3) Those "which may hereafter be re-"conquered by the two Governments acting "in concert". This provision has been so worded as to include extensions southwards or westwards, acquired by Anglo-Egyptian action, and at the same time to exclude extensions from Uganda northwards, made by the English Government acting alone.

ART. 2. At present the English and Egyptian flags are flying together at Khartoum. It is now proposed, in order to indicate that the political status of the whole of the Soudan is to be the same, to adopt a similar measure throughout the whole country, except at Suakin.

It would raise a great outcry to hoist the British flag at Suakin and it is really hardly necessary to do so. As I shall presently explain, it is proposed to make a difference between Suakin and the rest of the Soudan in respect to the jurisdiction of the Mixed Tribunals.

ARTS. 3 and 4 may conveniently be considered together. They are in some respects the most important portions of the proposed convention. They regulate the manner in which both the supreme legislative and executive authority in the Soudan shall be exercised.

1. It is proposed to vest the supreme military and civil command in the hands of one officer, who will be termed the "Governor-General of the Soudan". Of the desirability of this measure there can, I conceive, be little doubt. It is suggested that he should be appointed "by Khediviel de-"cree on the recommendation of Her Maj-"esty's Government". This is much the same formula as is adopted in the case of nominating the Commissioners of the Debt and some other officials. I should add that I should prefer that allusion should be specifically made in the preamble of the decree to the fact that English sanction has been obtained to the nomination, though the adoption of this course is not altogether necessary, for the Khedive is under an obligation to follow English advice in all important matters so long as the occupation lasts.

2. It is proposed that all proclamations issued by the Governor-General shall have the force of law, but that, in respect to all important matters, the previous consent of the Khedive "acting under the advice of his Council of Ministers",[1] and of the British Government, acting through their representative, should be obtained. It is obviously necessary that the Governor-General should be under some control, and the only really effective control will be that of the English Government acting through their Consul-General, but the Khedive must also be mentioned, both because, *ex-hypothesi*, the Soudan, though possessing a separate political status, is still to be Egyptian territory, and because the financial responsibilities assumed by Egypt render it both necessary and desirable that the voice of the Egyptian Government should be heard.

Whether, in the case of each proclamation, it should be stated that the British and Egyptian consent has been obtained, is an open question. I do not think the adoption of this procedure absolutely necessary, and perhaps it would be as well to do whatever is possible to make the Governor-General absolutely supreme in the eyes of the population of the Soudan.

3. Although, as I have already said, it is necessary that some effective control should be exercised over the action of the Governor-General, it would be a great mistake to centralise the administration of the Soudan in the hands of any authority, British or Egyptian, at Cairo. It is proposed, therefore, to take power in the convention to dispense with the previous assent of the Khedive and of the English diplomatic Agent in certain matters. The detailed points in respect to which a free hand shall be left to the Governor-General, can form the subject of subsequent discussion.

ART. 5. This article deals with the body

[1] It is not absolutely necessary to introduce this phrase, as, under Ismail Pasha's Rescript of August 1878, the Khedive is always supposed to act under the advice of his Council of Ministers, but, inasmuch as the Khedive constantly endeavours to escape from this obligation, I think it would be advisable to allude to the point.

of laws which shall be applicable in the Soudan.

In the course of the discussions which have taken place here, it was at first proposed that no Egyptian law should be valid in the Soudan unless it had been specially applied to that country by proclamation of the Governor-General. The objection to this course is that, for the time being—that is to say, until a body of laws can be framed for the Soudan—there would be a condition of complete lawlessness. It has been thought better, therefore, to allow such Egyptian legislation as may, on legal principles, be held to be in force in the Soudan to hold good. I am advised that, on the legal principle applicable to the case, only Egyptian legislation previous to the year 1884—the first year in which the Soudan fell completely under Dervish control—is legally in force in the Soudan. This would include the Egyptian Codes as promulgated in June 1883. At the same time it is proposed to limit the application of all future Egyptian laws to Egypt proper, unless they are specially applied to the Soudan. It will be borne in mind that, under Article 4, all existing Egyptian laws may be altered or abrogated by proclamation of the Governor-General.

ART. 6. This Article deals with the important question of Finance.

It is obviously undesirable that the Caisse de la Dette should be allowed to interfere in Soudan affairs, but after fully discussing this matter with Mr. Gorst, I have come to the conclusion that it would be best to make no allusion to this subject in the convention. As matters at present stand, the net charge on account of the Soudan appears on the expenditure side of the Egyptian accounts. To this arrangement the Caisse has agreed. No question can, therefore, arise with the Caisse until the Soudan yields a surplus of revenue over expenditure, and if—as a mere matter of account—we charge as much as possible to the Soudan, as it will be our interest to do, a long time will elapse before any real surplus accrues. Moreover, should any difficulties arise with the Caisse, I doubt whether any provision made in this agreement will much help towards a settlement. On the whole, therefore, I think we had better leave this branch of the question alone for the present.

Turning to another point—it is proposed that the whole of the Soudan revenue shall be placed at the disposal of the Egyptian Government, and that, on the other hand, that Government shall be "solely responsible for the civil and ordinary military expenditure".

So far as I can yet see, the Soudan figures work out much more favourably than I anticipated. I have no doubt that the Egyptian treasury will be able to bear all the ordinary expenditure, civil and military, without making any call for British assistance.

On the other hand, it will be observed that the Article now under discussion contains the following provision: "Her Britannic Majesty's Government undertakes to bear the whole cost of any British troops who may be stationed in the Soudan, other than special expeditionary forces".

Both Sir Francis Grenfell and Lord Kitchener are strongly of opinion that a small British force of, say, two companies, or about 250 men, should be permanently stationed at Khartoum. I entirely agree with them. Their presence will give confidence to every one, and will be a very useful counterpoise in the event of any difficulties occurring with the native, notably the black, troops.

I cannot at present say what would be the extra expenditure involved, but it will certainly be a small sum, more especially as the two companies can be detached from Cairo, without increasing the total British force in Egypt.

I earnestly hope that Her Majesty's Government will consent to bear this small charge. It would produce a very bad effect were I to ask the Egyptian Government for the money. Moreover, under all the circumstances of the case, it would seem to me a fair charge on the English Treasury.

Lastly, I do not in any way anticipate that the necessity for sending any further expeditionary force to the Soudan will arise. Should, however, anything of the kind un-

fortunately occur, the division of cost between England and Egypt may, I think, best be settled at the time and according to the special circumstances of the case. Hence the last paragraph in Article 6.

ART. 7. In this Article the right to lay down the conditions under which Europeans shall trade with, reside in, or hold property in the Soudan is asserted. For the reasons which I have already stated, this right will almost certainly be contested. This is unfortunate, but it cannot be helped. We are in possession, and shall be able to assert our rights, even although we may not be able to convince others of the regularity of our position or the validity of our arguments. In the meanwhile, we may perhaps do something towards mitigating hostility if we proclaim the commercial policy now known as that of the "open door", and if we state that in all other respects Europeans, of whatsoever nationality, will be treated alike.

ART. 8. This Article deals with the question of Customs duties.

I should explain briefly what is the present Egyptian régime in these matters.

Under the Imperial Firmans, the Khedive has a right to make commercial conventions with other Powers. As a matter of fact, during the last few years such conventions have been concluded with England, Germany, Austria, Italy and some of the minor Powers, but inasmuch as a provision common to all these conventions is that they shall not come into force unless conventions have been signed with all the Powers, and inasmuch as France, Russia and some other Powers have concluded no conventions, the whole of the conventions signed by the Egyptian Government are at present inoperative. Customs duties in Egypt are, therefore, at present levied exclusively under the conventions existing between Turkey and the various European Powers. Under these circumstances, an *ad valorem* import duty of 8%, and an export duty of 1% are levied.

The proposed Article 8 is conceived in a sense from which the right to separate the commercial régime of the Soudan from that of Egypt may be inferred, even if it be not expressly stated. As in other similar cases, this right will, of course, be contested, and we must again fall back on the right of conquest argument.

As a matter of fact, however, I do not propose that any extra import duty should be levied on goods entering the Soudan from Egypt or from any of the ports of the Red Sea which will now be comprised in the term "Soudan". On the other hand, care has been taken to draft Article 8 in such a manner as to preserve complete liberty of action in respect to trade entering the Soudan, not from Egypt or the Red Sea, but from other directions.

The export duties stand on a somewhat different footing. It may become necessary and desirable to impose a higher duty than 1% on some articles such as gum and ostrich feathers. It is proposed, therefore, to maintain our liberty of action on that point.

ART. 9. This Article lays down that the jurisdiction of the Mixed Courts will not be recognised anywhere in the Soudan, except in the town of Suakin.

In connection with this subject I append to this Memorandum two documents prepared by Mr. McIlwraith, from which it appears that some doubt exists as to whether, even supposing no change to be made in the political status of the Soudan, the jurisdiction of the Mixed Courts extends to that country. The decisions of the Court of Appeal on this subject have been contradictory. For my own part, I may say that the balance of argument seems to me decidedly in favour of the view that the Mixed Courts have no jurisdiction. However this may be, it must be remembered that the tendency of the Courts is to extend their jurisdiction, that they practically are under no legislative control, and that, if they assume jurisdiction over the Soudan, the only means of resisting their encroachments is to refuse to serve their writs or execute their judgments. I think, therefore, it would be advisable not to rely on the arguments adduced by Mr. McIlwraith, which are based on the original Charter of Organization and cognate considerations, but to fall back again on the special politi-

cal status of the Soudan as the main reason for refusing to admit the jurisdiction of the Courts.

It will be observed that it is proposed to exempt Suakin from the operation of this Article. Rightly or wrongly, the jurisdiction of the Mixed Courts at Suakin has for many years past been recognized. It would raise a great outcry to make any change, neither do I think that any change is much required. I am inclined, therefore, to leave matters alone in respect to this special point.

ART. 10. This Article provides that, for the time being, martial law shall prevail in the Soudan, except in the town of Suakin.

I am advised that, for reasons which are familiar to all who have studied this question, "martial", and not "military" law is the proper term to use in this connection.

I may remark incidentally that the proclamation of martial law will strengthen our case as regards declining to admit the jurisdiction of the Mixed Courts, for I conceive that many judges, who would refuse to admit the validity of our rights based on reconquest, would recognize that, so long as the ordinary civil law was in abeyance, the Courts could exercise no jurisdiction.

It is not, however, mainly on this account that I advocate the proclamation of martial law. I do so because, for the time being, I think that the adoption of this course is necessitated by the state of the country. It is still very disturbed. I hear of frequent cases of brigandage. Under the circumstances, I think that very ample powers for the maintenance of order must be vested in the hands of the Governor-General. Notably, he should have the right of expelling any individual, European or native, from the country.

I should add that the proclamation of martial law does not necessarily imply that all matters are to be settled by the simple order of the Governor-General, or of some military officer to whom he may have delegated his powers. Lawcourts, the nature of which I need not now describe in detail, have been already instituted in the Dongola province. They appear to be working fairly well. Provision has been made in the Soudan budget for an extension of these institutions. The spirit, therefore, in which I propose the proclamation of martial law is this—that the extreme powers which will thus be vested in the Governor-General shall only be used in exceptional cases, and further that, as time goes on, every endeavour shall be made to bring the administration of the law in the Soudan into harmony with the generally recognised principles of civil jurisprudence.

ART. 11. This Article provides that no Consular Authorities are to reside in the Soudan without the permission of Her Majesty's Government. This seems to me to be necessary, but our right to make this provision will, of course, be challenged by those who hold that the political status of the Soudan in no way differs from that of other parts of the Ottoman dominions.

ART. 12. I think we may at once go so far as to forbid the importation and exportation of slaves into and from the Soudan. The question of how to deal with domestic slavery in the Soudan is much more difficult. For the moment we had better leave it alone.

ART. 13. Although such a course is not absolutely necessary, it may perhaps be as well to draw special attention to the provisions of the Brussels Act as regards the sale and importation of arms and spirituous liquors.

2. CONDOMINIUM AGREEMENT, 19 JANUARY 1899

Whereas certain provinces in the Soudan which were in rebellion against the authority of His Highness the Khedive have now been reconquered by the joint military and financial efforts of Her Britannic Majesty's Government and the Government of His Highness the Khedive;

And whereas it has become necessary to decide upon a system for the administration of, and for the making of laws for, the said reconquered provinces, under which due allowance may be made for the backward and unsettled condition of large portions thereof, and the varying requirements of different localities;

And whereas it is desired to give effect

to the claims which have accrued to Her Britannic Majesty's Government, by right of conquest, to share in the present settlement and future working and development of the said system of administration and legislation;

And whereas it is conceived that for many purposes Wadi Halfa and Suakin may be most effectively administered in conjunction with the reconquered provinces to which they are respectively adjacent:

Now, it is hereby agreed and declared by and between the Undersigned, duly authorized for that purpose, as follows:—

ART. I. The word "Soudan" in this Agreement means all the territories south of the 22nd parallel of latitude, which—

1. Have never been evacuated by Egyptian troops since the year 1882; or

2. Which, having before the late rebellion in the Soudan been administered by the Government of His Highness the Khedive were temporarily lost to Egypt, and have been reconquered by Her Britannic Majesty's Government and the Egyptian Government, acting in concert; or

3. Which may hereafter be reconquered by the two Governments acting in concert.

II. The British and Egyptian flags shall be used together, both on land and water, throughout the Soudan, except in the town of Suakin, in which locality the Egyptian flag alone shall be used.

III. The supreme military and civil command in the Soudan shall be vested in one officer, termed the "Governor-General of the Soudan." He shall be appointed by Khedivial Decree on the recommendation of Her Brittanic Majesty's Government, and shall be removed only by Khedivial Decree, with the consent of Her Britannic Majesty's Government.

IV. Laws, as also orders and regulations with the full force of law, for the good government of the Soudan, and for regulating the holding, disposal, and devolution of property of every kind therein situate, may from time to time be made, altered, or abrogated by Proclamation of the Governor-General. Such laws, orders, and regulations may apply to the whole or any named part of the Soudan, and may, either explicitly or by necessary implication, alter or abrogate any existing law or regulation.

All such Proclamations shall be forthwith notified to Her Britannic Majesty's Agent and Consul-General in Cairo, and to the President of the Council of Ministers of His Highness the Khedive.

V. No Egyptian Law, Decree, Ministerial Arrêté, or other enactment hereafter to be made or promulgated shall apply to the Soudan or any part thereof, save in so far as the same shall be applied by Proclamation of the Governor-General in manner hereinbefore provided.

VI. In the definition by Proclamation of the conditions under which Europeans, of whatever nationality, shall be at liberty to trade with or reside in the Soudan, or to hold property within its limits, no special privileges shall be accorded to the subjects of any one or more Powers.

VII. Import duties on entering the Soudan shall not be payable on goods coming from Egyptian territory. Such duties may, however, be levied on goods coming from elsewhere than Egyptian territory; but in the case of goods entering the Soudan at Suakin, or any other port on the Red Sea littoral, they shall not exceed the corresponding duties for the time being leviable on goods entering Egypt from abroad. Duties may be levied on goods leaving the Soudan at such rates as may from time to time be prescribed by Proclamation.

VIII. The jurisdiction of the Mixed Tribunals shall not extend, nor be recognized for any purpose whatsoever, in any part of the Soudan, except in the town of Suakin.

IX. Until and save so far as it shall be otherwise determined by Proclamation, the Soudan, with the exception of the town of Suakin, shall be and remain under martial law.

X. No Consuls, Vice-Consuls, or Consular Agents shall be accredited in respect of nor allowed to reside in the Soudan, without the previous consent of Her Britannic Majesty's Government.

XI. The importation of slaves into the Soudan, as also their exportation, is absolutely prohibited. Provisions shall be made

by Proclamation for the enforcement of this Regulation.

XII. It is agreed between the two Governments that special attention shall be paid to the enforcement of the Brussels Act of the 2nd July, 1890, in respect to the import, sale, and manufacture of fire-arms and their munitions, and distilled or spirituous liquors.

3. AGREEMENT ON SAWAKIN, 10 JULY 1899

Whereas under our Agreement made the 19th day of January, 1899, relative to the future administration of the Soudan, it is provided by Article VIII that the jurisdiction of the Mixed Tribunals shall not extend nor be recognized for any purpose whatsoever in any part of the Soudan except in the town of Suakin;

And whereas no Mixed Tribunal has ever been established at Suakin, and it has been found to be inexpedient to establish any such Tribunal in that locality, by reason notably of the expense which the adoption of this measure would occasion;

And whereas grievous injustice is caused to the inhabitants of Suakin by the absence of any local jurisdiction for the settlement of their disputes, and it is expedient that the town of Suakin should be placed upon the same footing as the rest of the Soudan;

And whereas we have decided to modify our said Agreement accordingly in manner hereinafter appearing:

Now, it is hereby agreed and declared by and between the Undersigned duly authorized for that purpose, as follows:—

ART. I. Those provisions of our Agreement of the 19th day of January, 1899, by which the town of Suakin was excepted from the general régime established by the said Agreement for the future administration of the Soudan, are hereby abrogated.

100. EXCLUSIVE AGREEMENT: THE KUWAYTI SHAYKH AND BRITAIN
23 January 1899

[C. U. Aitchison, *Collection of Treaties* (1933, 5th ed.), vol. 11, p. 262]

Relations between England and Kuwayt started in 1775, when, for a brief period, the main port of the desert district was used as a station of a British overland mail service from India to the Mediterranean. Britain turned down offers of cooperation in the early nineteenth century by successive shaykhs of the principality. Shaykh Mubarak became the ruler in 1896, and the Sublime Porte, in the following year, reasserted nominal suzerainty over the area. Mubarak appealed for British protection as a means of severing his loose ties to the Ottoman Empire. Disturbed by the scheme of Count Kapnist, a Russian subject, for a railroad from the Mediterranean coast of Syria to Kuwayt, Baron (later Marquess) Curzon, seventeen days after entering upon his duties as viceroy in India, obtained from Mubarak the following secret bond, which included a nonalienation clause and the surrender of external sovereignty. The undertaking figured prominently after 1903 in the United Kingdom's relations with Germany and the Ottoman Empire over the Baghdad railroad project. H. J. Liebesny, "International Relations of Arabia," *Middle East Journal,* 1 (April 1947), 148–68; J. Y. Brinton, "The Arabian Peninsula," *Revue Égyptienne de droit international,* 3 (1947), 5–38; Sir A. T. Wilson, *Persian Gulf,* chap. 15; H. St. J. B. Philby, *Arabia,* passim; L. Fraser, *India under Lord Curzon and After,* pp. 78–115; Earl of Ronaldshay, *The Life of Lord Curzon,* vol. 2, chaps. 2, 23; V. Chirol, *The Middle Eastern Question,* chap. 20.

The object of writing this lawful and honourable bond is that it is hereby covenanted and agreed between Lieutenant-Colonel Malcolm John Meade, I.S.C., Her Britannic Majesty's Political Resident, on behalf of the British Government on the one part, and Sheikh Mubarak-bin-Sheikh Subah, Sheikh of Koweit, on the other part, that the said Sheikh Mubarak-bin-Sheikh Subah of his own free will and desire does hereby pledge and bind himself, his heirs and successors not to receive the Agent or

Representative of any Power or Government at Koweit, or at any other place within the limits of his territory, without the previous sanction of the British Government; and he further binds himself, his heirs and successors not to cede, sell, lease, mortgage, or give for occupation or for any other purpose any portion of his territory to the Government or subjects of any other Power without the previous consent of Her Majesty's Government for these purposes. This engagement also to extend to any portion of the territory of the said Sheikh Mubarak, which may now be in the possession of the subjects of any other Government.

In token of the conclusion of this lawful and honourable bond, Lieutenant-Colonel Malcolm John Meade, I.S.C., Her Britannic Majesty's Political Resident in the Persian Gulf, and Sheikh Mubarak-bin-Sheikh Subah, the former on behalf of the British Government and the latter on behalf of himself, his heirs and successors do each, in the presence of witnesses, affix their signatures on this, the tenth day of Ramazan 1316, corresponding with the twenty-third day of January 1899.

101. CURZON'S ANALYSIS OF BRITISH POLICY AND INTERESTS IN PERSIA AND THE PERSIAN GULF

21 September 1899

[Great Britain, Public Record Office, F.O. Persia 615]

In 1899 Lord Curzon's knowledge of Persian affairs, especially of the so-called Persian question as seen from England, probably was unsurpassed in British public life of the day. His monumental two-volume *Persia and the Persian Question,* published seven years earlier when he was thirty-three, remains a classic. Similarity of style between the memorandum and the book and familiarity of many details leave little doubt that the 1899 report, although countersigned by five of his principal aides, came largely from the Viceroy's pen. Curzon's views, manifestly, were not shared by all Englishmen, in or out of government. Yet his 1899 statement—despite excessive suspicion of the European powers, Russia in particular—is perhaps the most profound and comprehensive official analysis in historical context of Britain's problems in Persia at the century's end. Substantial extracts were first published as a *Parliamentary Paper* in February 1908 (Persia No. 1, Cd. 3882); and much of the omitted material was later included in G. P. Gooch and H. Temperley, *British Documents on the Origins of the War, 1898–1914,* vol. 4, pp. 356–63. But the memorandum has never appeared before in full in any public volume, Sir P. Sykes, *History of Persia,* vol. 2, chap. 80; V. Chirol, *Middle Eastern Question,* chaps. 2–10, 15–16, 21–25; P. W. Ireland, *Iraq, a Study in Political Development,* chap. 2; R. P. Churchill, *The Anglo-Russian Convention of 1907,* chap. 1; A. F. M. Rouire, *La Rivalité anglo-russe au XIX^e siècle en Asie,* chaps. 5–6; L. Fraser, *India under Curzon,* 115–33; Earl of Ronaldshay, *Life of Curzon,* vol. 2, chaps. 6, 23; Sir A. Hardinge, *A Diplomatist in the East,* chap. 9.

We desire to address Your Lordship and, through Your Lordship, Her Majesty's Government on the subject of the relations of Great Britain with Persia. We might find an adequate reason for so doing in the fact that Your Lordship in your despatch of June 30th, 1899, enclosing a copy of a recent despatch to the Foreign Office from Sir M. Durand, Her Majesty's Minister at Tehran, concerning the maintenance of our influence in Persia, has directly invited an expression of the views of the Government of India upon this matter; and, while calling our attention to the desirability of improving the Political and Consular Service in that country, has at the same time stated your desire to be made acquainted with our opinions upon the remaining questions discussed by Sir M. Durand. But, in any case, we should have felt it our duty at an early date to address Your Lordship on the subject. Although the relations of Great Britain with Persia have for a period of exactly a century occupied a large, and perhaps at times a disproportionate, space upon the

field of international diplomacy; although during that time Great Britain has twice broken off diplomatic relations and has once been at war with Persia in vindication of British interests in or upon the borders of that country; and, although large sums of money have been throughout the present century and are still annually expended in the maintenance of those interests, both by Her Majesty's Government and by the Government of India, we have not been able to discover in our records any clear definition of the principles upon which our policy towards the Persian kingdom is based, of the objects which it should keep in view, or of the scope and limits of the respective shares of responsibility, political and financial, which should be assumed by the two partners, *viz.*, Her Majesty's Government and the Government of India, who are jointly concerned in the defence of Anglo-Indian interests in the dominions of the Shah.

2. We feel that there is at the present time the greater need for such a discussion, because of the facts, which must be patent to all, that the Persian Government appears well nigh to have exhausted all power of recuperation or reform; and that the country, but feebly held together by any tie either of race, religion, or loyalty, is only saved from a fate to which it must otherwise have long ago succumbed, partly by a superficial vitality not infrequently seen in political organisms, especially in the East, even when in an advanced stage of decay, still more by the rival ambitions of the two great European Powers between whom its territories are placed, and who are the real arbiters of its destiny. These conditions have already displayed a durability in excess of any *a priori* expectations, and they may yet continue for a while, in the absence of any startling change of environment, to survive. But they cannot, in the nature of things, be permanent. A nation and a Government, such as the Persian, may tremble for long upon the verge of certain dissolution from the absence of the particular impulse that is required to propel them over the brink. But in the last resort, and often by accident, the impetus is communicated, and the already shattered structure tumbles into irretrievable ruin.

3. We think that there are signs that such an issue, if not immediately impending in Persia, is drawing near. The rule of the present Shah is distinctly and uniformly weaker than that of his predecessor. The dissolvent agencies at work in the Persian kingdom are more active and persistent. Meanwhile, the encroachments of Russian power are steadfastly pursued and are less veiled by any pretence of concealment. Other Governments and nationalities, either impelled by the secret obligations of international sympathies, or attracted by a desire to share in the probable spoils, are appearing upon the scene; and there is every reason to believe that, as in the case of the Ottoman Empire and of China, so also here, the property of the sick man, should no steps be taken in advance to prolong his existence, and should the end come before any testamentary dispositions have been made, is likely to be subject of bitter contention between the various parties who may demand to be included among his heirs.

4. We desire, therefore, not merely to examine, in response to Your Lordship's invitation, the particular steps that may require to be taken for the maintenance or extension of British interests in Persia at the present juncture, but to survey a wider field, and, while there is yet time, to discuss how those interests should be definitely safeguarded in the future that seems to be imminent, and what part in the outlay or in the measures that may be necessitated for that end, should be assumed respectively by Her Majesty's Government and by the Government of India. Sir M. Durand himself concludes his despatch by saying that "the time has come for us to lay down a definite line of policy". We concur in this opinion, but we interpret the obligation thus admitted in a broader sense than Her Majesty's Minister has done; and we think that no mere stop-gap measures, however useful they may individually be, will avail for the permanent protection of our position in Persia, unless a clear understanding

be arrived at in advance as to what that position is and what it demands.

5. It may not be inappropriate to state, in the first place, what we conceive British, *i.e.*, Anglo-Indian, interests in Persia to be. They are commercial, political, strategical and telegraphic. The total annual value of British trade with Persia has been estimated by Sir M. Durand (and, from the calculations that we have made, we believe the estimate to be below the mark) as approximately three and-a-half millions sterling; and while a great deal of this trade, particularly in the south and east, is with British India, yet the northern and western avenues of entry are devoted in the main to commercial connections with the British Isles. The total volume of Anglo-Persian trade continues, in spite of the difficulties encountered and the increasing insecurity in Persia, to rise and, under a more efficient and less venal régime, would probably attain to much larger dimensions. Similarly, although the experience of the past decade has not been encouraging to British mercantile investment in Persia, as the experience of the Tobacco Régie, the Persian Mining Rights Company, and other ventures, has shown, there is nevertheless a good deal of British capital sunk in various industrial undertakings in different parts of the country.

6. The political interests of Great Britain in Persia, although they date originally from a period before India had become a British interest at all, were, in their revival a century ago, in the main Indian in inception, and are still largely Indian in character. It would be unfair, however, at the present day to attribute to them an exclusively Indian complexion. Ever since the first visit of the late Shah to Europe, Persia has been drawn increasingly into the vortex of European politics. Neither France, Germany, Austria, Italy, Holland, nor Belgium own possessions contiguous to the Persian dominions. Their commercial stake in the country is relatively small. Notwithstanding they find it to their interest to maintain, what are in some cases costly and extensive, diplomatic establishments at Tehran, and they occupy a minor, but nevertheless a definite, position upon the local diplomatic stage. It is to be surmised, therefore, that, even had British India not existed, or had it passed into other hands, the British Government would nevertheless before now have been compelled to take an active political interest in Persian fortunes. Persia is in fact one of those countries which, whether or not they had fallen into the orbit of Western Powers, more vigorous than themselves, must inevitably have attracted the attention of Europe, partly from their increasing infirmity, but still more from the opportunities suggested by their latent, though neglected, sources of strength. The two-fold British interest and responsibility here indicated have indeed been recognised by the system, now of long standing, under which the charges of the diplomatic establishment maintained by Her Majesty's Government at Tehran are shared between the Imperial and the Indian Exchequers. That such a division of common interest has become necessary, that the politics of Tehran, which with one eye turned towards India looks with the other towards St. Petersburgh and Constantinople, are but one aspect of the eternal Eastern question, and that the control of British diplomacy at Tehran must therefore be vested in the hands of Her Majesty's Secretary of State for Foreign Affairs, are propositions which 40 years ago were hotly contested by certain schools of thought, but that will not any longer be a matter of dispute. They serve to illustrate the Imperial, as distinct from the purely Indian, character of Anglo-Persian relations.

7. The strategical interests of Great Britain in Persia arise from conditions with which India is most intimately concerned. Long before the boundaries of British India had been extended to their present limits, or before Russia had become a great Central Asian Power, approaching or impinging at many points upon the Indian frontiers, the fortunes of Persia, though not at that time a coterminous country, had become a matter of vital concern to the British dominion in India. In the early years of the present century, when the ambitions

of France were the main source of apprehension, it was through Persia that a blow at British supremacy was expected to be struck, and that an invasion of India was planned. The same idea has re-appeared at intervals since. Now that the boundaries of Afghanistan, which have been demarcated and guaranteed by Great Britain, march for many hundreds of miles with those of Persia; that Persian territory is also coterminous for hundreds of miles with Baluchistan, a State under a British Protectorate, and in large measure actually administered by the officers of the Government of India; and that the sea which washes the southern coasts of Persia is one in which, both from its proximity to the Indian Ocean and as a result of the exertions of the past century, Indian interests and influence have become supreme—it is clear that Persia has assumed a strategical importance, in relation to British India, which might not be serious, were the resources or the designs of that country itself alone to be considered; but which is indisputably great, when it is remembered that closely pressing upon Persia and upon Afghanistan is the ever-growing momentum of a Power whose interests in Asia are not always in accord with our own, and that the Persian Gulf is beginning to attract the interest of other and sometimes rival nations. These conditions, however, while they indicate the supreme concern which those who are responsible for the government of India cannot fail to feel in the fortunes of Persia, are nevertheless sufficiently obvious in their general application to render it unnecessary for us to point out their far more than local range, or to argue that they affect not merely the destinies of British dominion in India, but those of the British Empire. It is from this point of view that we hold strongly the opinion that Persia in its strategical, no less than in its political, aspect is not only an Indian, but also an Imperial, concern, and that we feel no hesitation in appealing to Her Majesty's Government for a frank and generous recognition of this common responsibility.

8. The telegraphic interests of Great Britain in Persia may be said to be evenly divided between the mother-country and India. For whilst on the one hand the wires that have been constructed between the north-west frontier and Tehran, and which provide the earlier link in the Persian section of the main overland connection with the East, are in the hands of a Company whose domicile is in London, from Tehran onwards to the Gulf the undertaking is conducted by an establishment that is recruited and paid for by the Government of India, while its head-quarters are in the India Office in London. This two-fold system exists in order to maintain a connection which may be said to be equally British and Indian, since it is equally indispensable to the interests of both countries; but which also has an ulterior and wider scope, inasmuch as the Trans-Persian wires, and the sub-marine cables by which they are supplemented in the Persian Gulf, are largely utilised for the conveyance of messages between Great Britain and places lying beyond India, notably the Australasian Colonies. From a calculation based upon the aggregate results of the past five years, we have ascertained that no less than 30 per cent of the total traffic is of this description. Nevertheless the cost, in so far as it is borne by either Government, devolves exclusively upon the Indian, and not upon the Home, Exchequer.

9. Such are the main interests of Great Britain in Persia. It will be observed that the shares that may be claimed by the mother-country and by India in the sum total of those interests, have in the passage of time become so interwoven and fused as to render the task of separating or distinguishing them neither easy nor profitable. It may not be difficult, as we shall endeavour to argue later on, to distinguish between sources of expenditure which should more properly fall to the charge of the one or the other partner. But we maintain that enough has been said to prove that on the broad field of international policy Persia is not exclusively an Indian interest, but is emphatically an Imperial interest of Great Britain; and that the latter should be prepared to exert her full

strength for the defence of that interest, should it be jeopardised or impugned.

10. In discussing the manner in which it is desirable that these principles, if accepted, should be carried into action, we are anxious at the outset to make our position, in one respect, perfectly clear. We have no desire to make an addition to the political or territorial responsibilities of India, for which we have not, under existing conditions, the means either in money or in men. We are not about to propose that there should be established any Protectorate, open or covert, over any part of the Shah's dominions, that might compel us in the future to hold the country so protected by force of arms. We can conceive of circumstances that might some day tempt both the Indian and the Home Governments from this attitude of reserve, and that would in a case where the vital interests of the Empire were at stake, force us to consider a burden for which our shoulders are still unprepared. But for the present our ambitions are exclusively limited to making secure the interest which we have already built up, and still more to preventing it from being undermined or taken from us by others, with the result not only of a considerable accretion of strength to them, but of positive detriment to ourselves. We have, in fine, no desire to disturb the political *status quo* in Persia so long as it can be maintained. We prefer indeed, weak as it is, to invest it with such renewed vitality as may be found possible. But we press for an early decision and for early action, since, unless we bestir ourselves, there is good reason for fearing that the already trembling balance may be disturbed by others to our disadvantage.

11. We now proceed to draw a picture of the present state of British interests in Persia, as they present themselves to our eyes, and to examine the dangers by which they appear to be threatened. Sir M. Durand has to a certain extent anticipated us in this task; and in so far he has touched upon the same ground as that which we propose to cover, we shall not recapitulate what he has said. On the other hand, we think that we are in a position to fill in the outlines of his sketch with a good deal of additional detail; and it will be our duty to discuss the situation from the standpoint more particularly of those Indian interests, of which we are the constituted guardians.

12. The political destinies of a country and a Government, as weak as we have stated those of Persia to be, are likely to be determined in the main by her geographical position in relation to her neighbours. Of the four foreign Powers whose territories adjoin her own, two may be eliminated from the present discussion as being themselves lacking in the strength or vitality, likely to render their influence decisive, or their aggression to be feared. These are Turkey and Afghanistan, the latter of which, moreover, is under engagements with Great Britain that render it impossible for her to be considered, in her foreign relations, as an independent Power. There remain Russia and Great Britain. There is a curious correspondence, but there are also notable differences, between the positions of these two Powers *vis à vis* with Persia. The entire northern frontier of Persia is now contiguous with Russian territory, with the exception of that portion which borders upon the Caspian Sea—a distinction, but not a difference, inasmuch as that sea has to all intents and purposes been converted into a Russian lake. Russian territory also overlaps the north-east corner of the Persian dominions. Great Britain enjoys a somewhat similar preponderance of influence on the south, by virtue of her hitherto unchallenged supremacy, both naval and commercial, in the Persian Gulf; while, owing to recent developments on the side of Baluchistan, her land territories also touch those of Persia upon the south-east. But there are these broad differences between the two positions: firstly, that whereas the Russian territories that are limitrophe with Persia on the north are continuous either with those of European or with those of Asiatic Russia, the immense resources of both of which dominions can be brought by a skilfully designed system of railways, and deposited with little trouble and with no delay, upon the Persian frontier itself—the

forces of Great Britain, if required for purposes either of menace or attack, would require to be conveyed by sea and would be separated by a great distance from their base; the land connection on the Perso-Baluch side being as yet too precarious and remote to admit of its being taken into serious consideration in the present context; secondly, that whereas the Russian land approaches upon the north are in her own exclusive possession, the maritime access of Great Britain on the south is equally open to any other Power possessing a naval marine. Hence the marked and inevitable distinction between the power of persuasion or menace possessed by Russia in the north, as compared with that at the disposal of Great Britain in the south, the advantage enjoyed by the former being enhanced by the fact that the Persian capital and Court are situated in the northern or Russian and not in the southern or British zone of influence.

13. In these circumstances it is not surprising to read of the increasing and indisputable supremacy which Russia has established in Northern Persia, as described by Sir M. Durand. While not repeating his demonstration, we may supplement it by saying that, while we think that no efforts should be spared to safeguard so much as is left to us of the trade that enters the country by the Trebizond-Tabriz route, of the trade of Tehran, and of that of North-East Persia (concerning which it may be noted that the imports into Meshed from British India which in 1893–94 represented a value of £198,500 and in 1894–95 of £312,000, have in 1897–98 sunk to £130,000), and while as long as the capital remains at Tehran, which is also the centre of important British interests in the shape of the Telegraph administration and the Imperial Bank of Persia, it is essential that British influence there should be asserted on a scale as nearly as possible equivalent to that of Russia—we are yet of opinion that the advantages enjoyed by Russia in the field under discussion are so overwhelming as to render any attempt to dispute or to shake her position there fruitless; and that our own energies can with greater wisdom and with superior chances of success be directed towards the protection and consolidation of the British sphere of influence in the centre and south. It is to a more critical examination of this subject that we now turn.

14. Sir M. Durand has in his despatch drawn a line across Persia from Khanikin on the Turkish frontier on the west, through Kermanshah, Hamadan, Ispahan, Yezd and Kerman to Seistan and the Afghan frontier on the east, as indicating approximately the existing line of partition between the British and Russian spheres of influence both political and commercial in Persia.

15. Following the same order from the west, we concur with what he has written about the importance of fostering the Baghdad trade route *viâ* Kermanshah to Tehran, British commerce by which approaches in value to £1,000,000 per annum. This is a route of peculiar value both to British and to Indian trade, and one upon which we should on no account forfeit the supremacy. We have no hesitation in recommending, with Sir M. Durand, the substitution of a British Vice-Consul at Kermanshah for the present native agent: although we think that the cost of the proposed appointment which lies outside of what may be called the more strictly Indian zone, and which will be subordinate to the Consulate-General at Tehran, should be borne by Imperial and not by Indian revenues.

16. Whatever be the prospects of opening up, either by road or by railway (and concerning the latter we are sceptical), the country that lies northward of the Karun River, and that is inhabited by the Lurs and other nomad tribes, it is certain that British influence has obtained a material foothold in that corner of the Shah's dominions, through which the Karun flows in its middle and lower course, and where the road now being constructed through the Bakhtiari country, by contract between the Bakhtiari Chiefs and Messrs. Lynch, should open an alternative and almost exclusively British door of commercial access to Ispahan. We do not express any opinion as to the ideas which Sir M. Durand has more

than once put forward as to the desirability of raising a local irregular force under British officers from the tribes in this part of Persia. Such a scheme would appear to postulate a firmer and more permanent footing than we have as yet established in South-West Persia. Nevertheless we think that no opportunity should be lost of strengthening our influence with the Arab, Bakhtiari and Lur tribes—an effort to challenge which from a rival quarter appears likely before long to be made—and we concur in Sir M. Durand's recommendations as to the desirability of establishing a Consulate on the Karun, reserving for a subsequent paragraph our opinion as to the proper incidence of the cost.

17. Continuing in an easterly direction, we have noticed from the recent Consular Report of Mr. J. R. Preece, Her Majesty's Consul at Ispahan, that "British trade in Ispahan has shown during the last two years, if not an absolute decrease, at all events no expansion whatever", while great strides have been made in Russian importations, notably of glassware and hardware. We agree with Sir M. Durand in thinking that the British Consul should be raised in respect of title and pay to the same level as the recently arrived Russian representative, although, as this is a matter which mainly concerns the English Foreign Office, we are not clear that we are called upon to advise upon the subject. We cannot, however, too strongly emphasise our opinion that in any partition either of commercial or political spheres of influence in Persia, Ispahan, the old (and, if Persia should ultimately break up, possibly a future) capital, the seat of the Sefavi dynasty, the principal market of Central Persia, and (far more than Tehran) the focus of Persian nationality, must, on every ground, be included in the zone in which British interests are supreme.

18. We also concur with Sir M. Durand in thinking that British interests are most inadequately represented at Shiraz by the present native agent, who is a nonentity, without influence or power; and that the experiment of bringing the Resident in the Persian Gulf, who is also Consul-General for Fars, to reside during the summer at the capital of the province, which is within his official area of jurisdiction, should be given a further trial. Colonel Wilson in 1895 and Colonel Meade in 1898 spent the summer months at Shiraz, but were compelled to hire house accommodation at their own expense. If these visits are made recurrent, we are inclined to think that, as no suitable house appears to be open either to purchase or to rent, a site should be purchased and a house erected thereon. To this suggestion also we will revert. Shiraz is a place of considerable importance; and were it not for the great influence that has for long been exercised there by the officials of the Indo-European Telegraph Department, British interests must have suffered from the neglect to which they have hitherto been exposed.

19. The districts lying to the east of Ispahan and Shiraz contain the important cities and trade-centres of Yezd and Kerman, connected by one of the principal postal and caravan tracks of Persia. Both of these towns and districts lie south of the natural line of division between Northern and Southern Persia; and in both British commercial and political influence has, in recent years, been actively vindicated. In September 1893, Mr. Fergusson, the Manager of the local branch of the Imperial Bank, was appointed unpaid Vice-Consul at Yezd. Sir M. Durand now suggests that a Vice-Consul, if appointed to Bunder Abbas, might pass his summer at Yezd, where it is no doubt intrinsically desirable that British commercial interests should be represented by some one not engaged in business or trade. We will for the moment reserve our comments upon this suggestion. At Kerman, which is the capital of an important province, and the seat of a Governor-General, the appointment of a British Consul, which was first sanctioned under exceptional circumstances in the case of Captain Sykes in 1894, has at frequent intervals since, the latest being our despatch of August 10th, 1898, been the subject of discussion between Her Majesty's Government and the Government of India. The present position is this, that for 5 years the Government of India have expressed their

willingness to contribute one-half of the cost of the Kerman Consulate up to a limit of Rs. 6,000 per annum. The views of the Foreign Office upon this proposal, which was communicated to it by Your Lordship on September 21st, 1898, have not yet been received by us. Sir M. Durand now proposes that this Consulate should be made permanent, and that possibly a native agent under its orders should be sent to Bampur. Before discussing these proposals, we think it advisable to analyse the larger issues raised by the questions of Seistan and the Persian Gulf.

20. Concerning Seistan, its importance and the present position there, we refer Your Lordship to a Minute which has been written by the Viceroy, who has made a special study of the question, and which is enclosed with this despatch. The facts enumerated by him are, we think, sufficient to show that Seistan is, by reason of its geographical position in relation both to North Khorasan, to Western Afghanistan, to British Baluchastan, and to the Persian Gulf, a position of no small strategical importance. Seistan is the present meeting point of the advanced pioneers of British and Russian influence. Perhaps on the whole, owing to recent activity on our part, the British position and chances are the more hopeful. It is essential in the future, for reasons which have been argued in the Viceroy's Minute, that Seistan should be retained in the British zone. It is fortunately not too late to secure that consummation. The steps which should be taken with that object will be examined when we formulate our final recommendations at the close of this despatch.

21. South of Seistan lies the still imperfectly known district of Persian Baluchistan. Every year this province is being brought into closer contact with British associations, partly from the visits of British officers, partly from the wide-spreading influence exercised by the Nushki-Seistan Trade route, still more from the close connections, political and racial, prevailing between the inhabitants of the two sides of the Perso-Baluch border—a condition of affairs which is likely to be confirmed by the inevitable increase of British influence in the dominions of the Khan of Kalat.

22. Our inspection of the various subareas composing what we have described as the British sphere, has now brought us to the Persian Gulf—a subject which—no doubt from its more exclusively Indian aspect and bearing—has only been lightly touched upon by Sir M. Durand, but upon which it is necessary that we should address Your Lordship at greater length.

23. The *de jure* position in the Persian Gulf is that of a sea open to the flag of all nations, the northern shores and territorial waters of which are included in the dominions of Persia, while its western and southern coasts are partially owned and partially claimed by Turkey, or are in the occupation of Arab tribes, who have entered into treaty relationships of varying character, constituting a sort of veiled Protectorate with Great Britain. The islands in the Gulf are owned either by Persia, or by Arab Chiefs (in the case of Bahrein under British protection); but upon one of the Persian Islands, *viz.*, Kishm, Great Britain possesses a piece of land by virtue of an original grant from the Imam of Maskat, to whom the island once belonged. Outside the entrance to the Persian Gulf, but included in the same political system, are, on the northern shore of the Arabian Sea, the coasts of Persian Baluchistan, along which the overland wires of the Indo-European Telegraph Company run as far as Jask, where a reserve of English territory exists under an agreement concluded in 1887 between the British and Persian Governments, and where a detachment of Indian troops, who had previously been stationed there between the years 1879 and 1887, was replaced in January 1898 in consequence of the murder of a British telegraph official and the disturbed state of Persian Baluchistan. A larger detachment was at the same time despatched to Charbar, near the eastern limits of the same province. On the southern and western coasts is the still independent kingdom or Sultanate of Oman (Maskat).

24. The *de facto* position upon the waters and on the shores of the Persian Gulf re-

flects a more positive British predominance than the preceding paragraph might indicate. In the early years of the present century, the slave trade was rampant in the Gulf, and the vessels of the Indian Marine were engaged in a long and arduous struggle with the Arab pirates who infested its southern coasts. This conflict which was conducted entirely by British agency and means, without any help from the Persian Government, resulted in the establishment of treaty relations with the great majority of the Arab Chiefs, under which they bound themselves to observe perpetual peace and to refer all disputes to the British Resident at Bushire. The *pax Britannica*, which has ever since, with rare exceptions, been maintained, is the issue of these arrangements and is the exclusive work of this country. Of similar origin were the soundings of the channels and the surveys of the shores of the Persian Gulf, which the navigators of all nations owe to the labours of a long line of naval officers of the Indian service. Meanwhile, British trade has acquired almost a monopoly of the foreign commerce of the Gulf ports. Indian Bunias from Shikarpur and other parts of Sind have settled in considerable numbers at Lingah, Bunder Abbas, Bushire and Bahrein. They frequently farm the customs. The foreign imports and exports pass through their hands. These are for the most part conveyed to and from the Gulf in British ships, more than one Anglo-Indian Company (the 'British India', the 'Bombay and Persia', and the 'Anglo-Arabian and Persian Gulf') having maintained for years a merchant steamer service between Karachi and Basrah, touching at the Gulf ports on the way, whilst the rival ventures that have occasionally been attempted by foreign nations have uniformly failed and have been withdrawn.

25. As the result of careful calculations of the trade returns of the three years, 1895–96–97, which are the latest at our disposal, we have ascertained that the total value of Imports and Exports in the Persian Gulf (including the Persian ports of Bunder Abbas, Lingah, Bushire, and Mohammerah; the Arab ports on the opposite coast; and Bahrein) in that triennial period amounted to £17,241,300 (at the rate of Rs. 15 = £1). Of this total, Local trade accounted for £5,124,000, and External trade for £12,117,300; while of the latter total the trade with British possessions (including India) amounted to £9,709,500, or over 80 per cent of the entire External trade. In the same three years, out of a total of 2,161 steamers which entered and cleared from the Gulf ports, 2,039 were British, and their tonnage represented 84 per cent of the total tonnage. If the returns of Persian ports alone be required, the figures are Total trade, £11,172,000, of which Local trade = £2,169,400 and External trade = £9,002,600, the British proportion of the latter being £7,494,200, or 83 per cent. To these totals in either case there should, in our opinion, certainly be added those of Basrah, which amounted in the same triennial period to £2,157,300. Unfortunately the manner in which these have been prepared, do not admit of our distinguishing the countries of origin or destination. The proportion, however, that should properly be assigned to Anglo-Indian commerce may be inferred from the British percentage of shipping, that entered or cleared from that port in the three years referred to. It amounted to no less than 93 per cent both of the number and tonnage of the steamers engaged.

26. During the last thirty years the maintenance of the sub-marine cables of the Indo-European Telegraph Company from Fao to Jask, and of the land lines from that place to Karachi, has also devolved upon the Indian Government, and has tended to increase an already preponderant influence over both the waters and the shores of this sea. Latterly there has been a deliberate but necessary consolidation of our influence in certain quarters where trouble threatened or where rivalry was feared. At the north-west extremity of the Gulf, we have, under instructions from Her Majesty's Government, entered into engagements with the still independent Sheikh of Koweit, by which he has bound himself and his successors not to receive the representative of any other Power and

not to alienate any portion of his territory to the Government or subjects of any other Power—a proceeding which was dictated by the increasing encroachment of Turkish authority and by the incipient intrigues of other Powers. Similar machinations are known to be in progress at Bahrein, and will require to be counteracted by a more strict enforcement of the conditions to which the Sheikh is by treaty bound. Outside the entrance to the Persian Gulf, but included within the sphere of its political influence, the Arab State of Maskat has for years been controlled by British influence; its trade is similarly in Anglo-Indian hands; and its ruler has not merely for years been subsidised by the Government of India, but in 1891 entered into an Agreement with us, under the orders of Her Majesty's Government, not to alienate any portion of his dominions to any other Power.

27. Such, briefly summarised, is the position that has been won by Great Britain, not without the expenditure of many millions of money and the sacrifice of many valuable lives, in the Persian Gulf. In its vindication we have more than once been called upon to enter into military occupation of ports or islands in the Gulf. The island of Kharak was occupied by Indian forces from 1838 to 1842, and again in 1856–57. Bushire was held during the latter years, as also were Mohammerah and Ahwaz upon the Karun. The occupation of these places was an illustration of the vigour with which in past years our ascendency has been maintained. Their abandonment was a proof of the reluctance which has invariably been displayed to emphasise or to perpetuate these responsibilities. The latter, however, no less than the British position in Southern Persia in general, are now threatened by an external competition, to the evidences of which we next turn.

28. Sir M. Durand has in general terms described the commanding position which the proximity of the Trans-Caspian Railway and of her Central Asian garrisons, the construction of the Ashkabad-Kuchan-Meshed cart-road, and the annual expenditure of large sums of money, have enabled Russia to take up in the politics and commerce of the province of Khorasan. We proceed to develop the argument by showing how the Khorasan position has been and is being utilised as the base of a further and more southerly advance.

29. It was in 1889 that the campaign of what may be termed the Russification of Khorasan was opened with the appointment of a Russian Consul-General at Meshed. In 1891, a native trader, named Haji Agha, appeared as Russian News-agent at Birjand; and an emissary of bad character, named Muhammad Rahim Khan, who had already been dismissed from the Russian service, was again taken into employ, and was posted as News-agent at Nasirabad in Seistan. In the succeeding years Russian Armenians, trained at Tiflis, were busily at work surveying the country in a southerly direction, as far as the borders of Persia and Baluchistan. In 1895 a more direct blow at the large Anglo-Indian trade which at that time still made its way through Khorasan into the Russian possessions in Central Asia, was struck by the introduction of a Customs Tariff in Trans-Caspia, absolutely prohibiting the entry into the Russian territories of all British or Indian products except indigo, tea and muslin, and these only under a heavy duty. In the same year M. Zaroudny, a Russian politico-geologist, Anglice surveyor, paid his first visit to Kain and Seistan. Russian News-agents were also placed at Tabbas and Neh, as well as at Birjand and Nasirabad.

30. In the meantime, in the latter part of 1896, the Government of India had decided upon taking active measures to open the long closed trading route from Quetta to Seistan. These intentions, and the prospective British interest in Seistan to which they testified, excited much concern in Russia; and in the following year the outbreak of plague in India offered to the Russian authorities a welcome opportunity of, at the same time, endeavouring to strangle the new enterprise at its birth, and increasing their own influence in Seistan. Under the pretext of establishing a protective cordon to safeguard the Perso-Afghan frontier in Persian interests from a disease which existed neither in Baluchistan nor in Afghan-

istan, Russian Cossacks under Russian officers were planted at a number of places in Persian territory, where they turned back every caravan (ignoring an agreement that had been arrived at between Great Britain and Persia for a 10 days quarantine upon caravans arriving from infected countries), declined to accept any orders except those which came directly from the Russian Legation, and for a time absolutely closed the Herat-Meshed road, in spite of orders to the contrary from the Persian Government—the object of this measure being to divert Afghan trade from Meshed to Panjdeh and Merv in Russian territory. It was significant that upon crossing the Russian frontier the caravans, which had been refused passage through Persia under any conditions, were only detained for three days in quarantine. The Persian Government, after a feeble protest, acquiesced in these proceedings; and it may almost be said that Southern Khorasan passed for a time under Russian control.

31. It was with the object of anticipating a similar Russian intervention in Seistan that, in the spring of 1897, the Government of India despatched Surgeon-Major Brazier-Creagh to superintend any preventive measures that might be required in that district. Already Lieutenant Webb Ware, who had visited Seistan in March, in connection with the trade route, had reported: "I was disagreeably astonished to find what ascendency Russia had gained throughout Seistan". Major Brazier-Creagh, a few months later, wrote: "I was by no means surprised to find what ascendency the Russians had gained in the country. In the past four years Russian activity has been very manifest. It is not limited to Seistan, but extends all along the Perso-Afghan frontier up to Meshed, News-writers and agents being established at all the important trade centres, *viz.*, Neh, Birjand, Tabbas, Khaf, and Turbat-i-Haidari".

32. The recommendations made by the British officer were ignored by the Persian authorities; and he had not been long in Seistan when the expected Russian doctor (Miladchevsky by name), with an escort of eight Cossacks, appeared upon the scene, a detachment of ten Cossacks under a Russian officer being also posted at Turbat-i-Haidari, 80 miles south of Meshed, a point of junction of several caravan roads, so as effectually to stop any traffic to or from Seistan. An incidental result of Dr. Miladchevsky's visit to Seistan was the dismissal, in consequence of a report from him, of the two native Russian agents to whom reference has been made, and their replacement by the Persian sub-contractors for customs for Kain and Seistan. These individuals proved to be equally faithless to the interests of their employers, and were relieved of the representation of Russian interests in April of the present year. It was then announced that a Russian, named Ziedler, had been appointed Russian Consul in Seistan —an announcement which was immediately followed by the despatch of Captain Sykes, hitherto British Consul at Kerman, to Seistan in a similar capacity. The Russian Consul would appear not yet to have taken up his post; and the Russian authorities are believed to be waiting to see the next move of Her Majesty's Government before deciding upon their own action.

33. Meanwhile in 1898, M. Zaroudny reappeared upon the scene of his former labours, and on the present occasion pushed his politico-scientific studies as far south as Persian Baluchistan and Bampur. Early in the present year the Agent to the Governor-General at Meshed reported that two Russian officers, 1 doctor and 10 Cossacks were still at Turbat-i-Haidari, and 1 Russian Officer, 2 Medical Assistants and 10 Cossacks at Karez. There are also 58 Persian sowars scattered about at different places between Meshed and Seistan, who are paid through the Russian officers and take their orders from them. The recrudescence of plague in India has in fact provided an excuse for the continuance, just as its original appearance was pleaded in support of the introduction, of a *quasi*-Russian Protectorate in Southern Khorasan. A more active assertion of the same pretensions has since been witnessed in the mission of M. Stroeff, Dragoman to the Russian Consulate at Meshed, with presents valued at £1,400, to the Persian Governor of Kain, who is brother to

the Governor of Seistan and is believed to covet the succession to that post. The sanitary plea was also advanced in the course of the past summer to explain the despatch of Russian doctors to Kerman and even to Shiraz. An interesting commentary upon these proceedings may be found in an observation in Lieutenant Webb Ware's report upon the Quetta-Seistan trade route for 1897–98, where he says that "the chief hindrance to the further development of this route is to be found in the obstructive measures taken by the Russian officers striving to further the interests of that country at the expense of India".

34. The facts which we have enumerated will, we think, be sufficient to convince Your Lordship of two propositions: firstly, that Russia regards with unconcealed aversion the opening of the British commercial route from India to Seistan and Khorasan, and will spare no efforts to rob it of success; secondly, that she regards with an interested eye the future of Seistan itself, and is already preparing, by a display of armed force and by the assumption of executive authority, to pave the way for an eventual inclusion within the Russian sphere of that portion of the Shah's dominions.

35. In the same context, and as illustrating the political and strategical object which such an advance may be believed to have in view, it will not be forgotten that during the past few years, the Russian Government have constructed a railway from Merv to Kushk upon the Afghan frontier within 80 miles of Herat, and have stacked at the terminus the railway plant for a future extension to Herat itself. Should any doubt be entertained as to the purpose for which this extension (which is destitute of any commercial justification) was planned, it may be solved by a reference to the frank admission made to Sir N. O'Conor by M. deWitte, Russian Minister of Finance, in June 1898, that it was designed "to enable Russia to attack Afghanistan in case of complications with England". When it is remembered that such an attack can only be made in direct violation of solemn international engagements, it is not, we think, incumbent upon us to argue at further length that the political ambitions of Russia in Eastern Persia, and in close proximity to the Afghan border, have an ulterior significance which it would be folly to ignore.

36. Nor can we divorce these proceedings from the idea that, in seeking to obtain a preferential footing in Seistan, Russia is not merely endeavouring to block a promising avenue of Anglo-Indian trade, and to acquire a position of potential menace to British interests on the western flank of Afghanistan, but that she is also concerned in the prosecution of an advance, which is not expected to terminate until it has brought her to the Persian Gulf. It is known that at least on one occasion negotiations for the cession to Russia of a Persian port at the eastern extremity of the Gulf have taken place between the Russian and the Persian Governments; and, if such negotiations have hitherto either proved abortive, or have been nominally repudiated by one or other of the parties concerned, it is yet, we think, in our power to show that they are not only not inconsistent with, but are definitely corroborated by, the evidences of Russian activity in Central and Southern Persia to which we now turn.

37. In 1897, a Russian Consul was appointed for the first time to Ispahan, where Russian imports had not hitherto greatly exceeded a total of 300 bales per annum. He was given a salary and title in excess of those enjoyed by the British representative. During the present year this official, Prince Dabiya, has been heard of at Shiraz and Bushire as the guest of the French Vice-Consul, and subsequently at Mohammerah and Shushter on the Karun, where he freely denounced British methods and ambitions. Sir M. Durand has recently informed us by telegraph that the corps of so-called Persian Cossacks at Tehran (*i.e.*, Persian soldiers trained and commanded by Russian officers) has been raised from 1,000 to 1,500 men, and that detachments of this corps have for the first time been taken with them to the south by the Governors of Shiraz and Arabistan. For the present the Russian officers have stayed behind; but it is not difficult to imagine the circumstances

in which they might claim to rejoin their regiments. In 1897, M. Krugelow was sent from Jerusalem as Russian Consul to Baghdad, with the special object of reporting upon the acquisition by Russia of a coaling station in the Persian Gulf. This gentleman has taken much interest in Koweit, where Russian emissaries from Baghdad have been residing continuously during the present year. In this context it will not be forgotten that the concession recently sought for with the aid of the Russian Embassy at Constantinople by Count Kapnist, a Russian of high rank, for a railway from Tripoli to Syria to the Persian Gulf contemplated a terminus at Koweit.

38. In Bushire and Bunder Abbas the Russians have lately developed a marked interest. Two Russian doctors (Drs. Marc and Oust) arrived at Bushire in 1897 for the now familiar purpose of studying the plague, which, however, did not make its appearance until two years later, in 1899. Dr. Marc in 1897 occupied his waiting hours in visiting Bunder Abbas, from whence he was in the habit of despatching official reports to his Government, and where he magnanimously treated all patients free of charge. His medical pursuits at this place were assisted by a third Russian, named Adamoff, who appears to have been an artillery officer, and who subsequently visited Bushire and Basrah. In 1898 two other Russian doctors, named Rodzewitz and Kornajevski, appeared upon the scene, and visited Basrah, Bushire and Bunder Abbas. In December 1898 a fifth Russian doctor, named Paschkowski, arrived in the Gulf, and did not fail to pay the regulation visit to Bunder Abbas; while he displayed a considerable professional activity during the recent outbreak of plague at Bushire, where he has announced that, upon his approaching return to Russia, he is to be replaced by two compatriots. In connection with this medical propaganda, it will be in Your Lordship's recollection that when the first rumours were circulated of plague at Bushire in the past summer, the Russian Legation at Tehran at once announced their intention of sending doctors, with Cossack escorts, to Bushire as well as Shiraz, in order to establish a plague cordon for the protection of those places from the Indian pestilence, and that Russian doctors took up their quarters both at Shiraz and Kerman. These precautions might be thought to indicate a praiseworthy desire to close every conceivable channel of entry into Asiatic Russia against the plague, were they not, as has already been shown, in striking contrast with the laxity of system, that is at the same time observed both on the Perso-Russian and on the Russo-Afghan frontiers, across which alone can plague succeed in entering the Russian dominions. In continuation of our story it may be mentioned that in 1895 a Russian officer visited and surveyed the island of Hormuz opposite to Bunder Abbas, and that other and non-medical Russian emissaries have also recently been heard of at the latter place (the two latest, M. Babitchieff and Baron de Schedenore, as lately as August in the present year). It should not, however, be forgotten that it was Russian opposition that in 1898 broke down the loan to the Persian Government from the Imperial Bank of Persia, the security of which was to be the customs of the southern ports, to be collected by agents of the Bank.

39. We are aware that on April 18th of the present year, with reference to reports that have been published of Russian designs upon the island of Kishm, adjoining Hormuz, Count Mouravieff assured Sir C. Scott, Her Majesty's Ambassador at St. Petersburg, that "there was absolutely no intention on the part of the Russian Government to add to the burden of their existing responsibilities by acquiring outlying ports or stations which would require naval defence in time of war"; and we do not doubt that this emphatic assurance represents the views sincerely entertained by the Emperor of Russia. But our faith in the value of this assurance has been somewhat shaken by the later information received from a Persian official of high rank and station, known personally to the Viceroy, to the effect that he believes Russia to have acquired certain rights in regard to a port in the Persian Gulf, which however it may not suit her at once to enforce. Moreover there

is in practice a limit to the duration of all such pledges, which, even if given by the sovereign, are not always regarded as binding by his officials; and previous experience is not altogether encouraging to the belief in a prolonged existence of the present undertaking, should circumstances compel an opposite course. There are moreover other means, well-known to Her Majesty's Government from recent experience in other parts of the world, of obtaining political and territorial influence, independently of the actual acquisition of harbours or stations.

40. It is, in our opinion, more than a coincidence that simultaneously with the increasing Russian interest in Central and Southern Persia which we have described, there should also have been a notable revival of French activity in those quarters. In 1896 the Messageries Maritimes Company commenced a subsidised service from Bombay to the ports of the Persian Gulf; although, owing to vessels of unsuitable draught having been employed, the enterprise was not a success and was shortly abandoned. In 1897 a French Vice-Consul (M. Ferrand) was for the first time appointed at Bushire, although the value of French trade with the Persian Gulf in that year amounted only to the modest total of £82,618 (of which £73,899 was sugar). He was succeeded in 1898 by M. Bryois, who recently informed the agent of one of the British Trading Companies at Bushire that the French Government intended shortly to establish a subsidised line of steamers to Mohammerah and the Karun. It was perhaps in connection with this project that in March 1899, M. Bryois paid a visit to the Karun, where a French scientific party, under M. de Morgan, has for some time been engaged in politico-archæological researches in Arabistan. When the French Chargé d'Affaires, Comte d'Arlot, recently visited Ispahan, the Zil-es-Sultan vouchsafed the corroborative information to the British Legation that the object of these movements on the part of the French was to obtain a footing at Mohammerah, Shushter and Dizful. During our recent negotiations with the Sheikh of Koweit about the future of that harbour, it was with some surprise that we learned from him that the French had already approached him on the subject. In Bahrein a so-called French merchant, M. Goguyer, who until recently was engaged in Maskat in an attempt to revive the traffic in arms under the French flag, has been reported as endeavouring to induce the inhabitants to purchase French protection by the payment of small sums. In 1899 a French Consular Agency was established at Lingah, where the same ingenious system of manufacturing French subjects (for the most successful illustration of which we must look to Siam) was started, and where the French flag was hoisted by the Dragoman of the French Vice-Consul at Bushire. Finally, Her Majesty's Government are better aware than ourselves of the recent negotiations for a French loan to the Persian Government upon the security of the customs of the Gulf ports, and a promise of a railway monopoly in that country.

41. French interests in the Persian Gulf, either political or commercial, are so small; her own territories are so distant; and the Gulf lies so far out of the track of her merchant vessels or men-of-war, that we are unable to construe these proceedings in any other light than as an attempt to cause trouble and annoyance to a possible rival, and to lend an independent assistance to the plans of a European ally. Substantial confirmation of these views will, in our opinion, be derived from a study of recent French action at Maskat, where, although French trade is infinitesimal, and a French man-of-war has been in the habit of paying a passing visit on an average only once in the year, the French Government have nevertheless during the past six months been endeavouring to obtain, under the guise of coaling facilities, a position which would provide them with an independent *pied à terre* in the neighbourhood of the Persian Gulf. This policy has been foreshadowed by the free grant of the French flag to Arab dhows, owning allegiance to the Sultan of Maskat, and is facilitated by the influence over the latter petty potentate that has been acquired by the French Vice-Consul, whose anti-British inclinations and

intrigues are so well known to Her Majesty's Government as to require no recapitulation here. Confirmation of our suspicions regarding a Franco-Russian *entente* in Persia and in the Persian Gulf is further afforded by a telegram, dated June 7th, 1899, from Sir M. Durand to Colonel Meade, which has already been communicated both to Your Lordship and to the Foreign Office, and in which Her Majesty's Minister at Tehran remarks: "You may be quite certain that Russia and France are working in unison."

42. It should be noted that in the recent papers, with copies of which we have been favoured by Her Majesty's Government, we have found a repudiation of French ambitions in the quarter under discussion, no less explicit than that which we have already quoted from the lips of Count Mouravieff. On July 19th, 1899, M. Cambon said to Lord Salisbury that "France had no political aspiration whatever in the Persian Gulf; that she did not desire any kind of fortification or settlement or political privileges, or anything beyond the maintenance of those rights already insured to her by treaty." We have been gratified to read this assurance, by which we hope that succeeding French ministries may hold themselves bound. But we regret that it has not been communicated, not merely to Her Majesty's Government, but also to the French Agents in those regions, who do not appear to be equally acquainted with the views of the Government that they serve.

43. In recent years Germany has begun to display a positive and an increasing interest in Persia and also in the Persian Gulf. This interest has been the historical, and perhaps the natural, sequel of a commercial policy that has for some time aimed at securing the control of the principal railways in the Turkish dominions in Asia Minor, and of a political ambition, that more recently still, would appear to aim at the protection of the Ottoman Empire, alike in Europe and Asia. The obvious corollary to a system of German railways in Asia Minor, would be similar railroads to the Persian border and through Mesopotamia to the Persian Gulf. Already, as Sir M. Durand has informed the Foreign Office, the Germans have procured a concession for the construction of a road from Khanikin, on the Turko-Persian frontier, to Tehran, and have apparently only abstained from pressing for a railroad in the same quarter, because of the violent opposition with which the Russian Minister met the proposal at Tehran. The second son of the Shah, Prince Malik Mansur, has been spending several months in 1898–99 in Germany, where his education and proclivities are reported as having acquired a marked philo-Teutonic tinge. German military instructors have been proffered for the reorganisation of the Persian army. Prolongations of the Turko-German railways to Baghdad and to the Persian Gulf have been and are still being freely discussed; and the German Government are endeavouring to procure an interest in the overland Turkish Telegraph to Fao. In the Gulf itself a German Consulate was established in 1897 at Bushire, to safeguard the interests of six German subjects in the entire ports of that sea. A Bremen firm opened business at Bushire, but the specially chartered steamers which were sent out from Germany appear to have been a failure. At Basrah a more resolute attempt is being made to capture the local market. Quite recently a number of Germans have for some time been engaged in a study of the situation at Bunder Abbas. During the spring of the present year, a German man-of-war, the "Arcona", visited Maskat, Lingah, and Bushire; and reports have reached us of the likely appearance, at no distant date, of a German line of merchant steamers in the Gulf.

44. While we regard these symptoms of increasing German interest in the Persian Gulf as emphasising the international aspect which the Persian question appears more and more destined to assume, and therefore as adding to the complexities of an already sufficiently difficult situation, we do not question the *boná fide* commercial enterprise which is carrying German trade there, as to so many other open seas and ports in the world, and we can conceive that we may even find, in the existence of

German political interests, an occasional ally or safeguard for our own. German interests, however, have a tendency to grow with some rapidity, and by steps which are not always acceptable to their neighbours: and we think that the need for an early decision upon the future policy to be adopted by Her Majesty's Government is not diminished, but is enhanced, by the appearance of so active a competitor upon the scene.

45. Apart from the recurrent symptoms of activity on the southern and western shores of the Persian Gulf, with which Her Majesty's Government are familiar, the Turkish Government have also in recent years displayed an increasing interest in its political fortunes. A determined attempt has been made to fortify the shadowy pretensions of the Ottoman Porte to suzerainty over Koweit. A Turkish title has been conferred upon the Sheikh; and forces have more than once been assembled at Basrah for a contemplated expedition against that place. Intrigues are constantly in progress at Bahrein. During 1898 and 1899 a Turkish corvette has been a frequent visitor at Lingah, where, the Sheikh being of Arab descent, Turkish interests are supposed to exist. Finally, the decisions of the Venice Conference and the proceedings of the Sanitary Board at Constantinople have enabled Turkey to claim an interest in the navigation of those waters, of which she has not been slow to take advantage.

46. The only other recent evidences of foreign intervention in the Persian Gulf, of which we are cognisant, are a concession for the pearl-fisheries in that sea, which was given in 1898 by the Persian Government to a Spaniard and a Belgian, under Russian auspices; and the contemplated appearance at the Gulf ports of customs officers of Belgian nationality, similar to those who have already been placed in charge of the customs houses at Kermanshah and Tabriz, and whose influence, said to be omnipotent at the present moment with the Sadr Azam, is known to be entirely enlisted on the side of France and Russia.

47. We have gathered together these symptoms of external, and notably of Russian or of Russophil, interest in Southern Persia and in the Persian Gulf, not because we desire to invest them individually with an importance to which they are not entitled, but because collectively they indicate, in a manner that is not open to misinterpretation, the policy and ambitions of foreign Powers, and because we desire to impress upon Her Majesty's Government the fact that in an area, by land and by sea, which Great Britain regards with good reason as falling within her sphere of influence, that influence is being directly and increasingly challenged by other nations, who, in proportion as their foothold becomes more securely established, will resist any preferential claims, upon whatever foundation in history or in fact they may rest, and will claim for themselves an equality of right which in theory it may be difficult to contest.

48. More particularly do these considerations apply to the case of Russia, whose advance across the deserts that form a natural barrier of division between Northern and Southern Persia, cannot be regarded with anything but uneasiness by the Government of India, and the appearance of whose flag in the Persian Gulf would import a novel element of unrest into a situation that is at no time without its anxious features. We desire deliberately to say to Your Lordship, with a full consciousness of our responsibility in so saying that difficult as we find it in existing circumstances to meet the financial and military strain imposed upon us by the ever increasing proximity of Russian power upon the northern and north-western frontiers of India from the Pamirs to Herat, we could not contemplate without dismay the prospect of Russian neighbourhood in Eastern or Southern Persia, the inevitable consequence of which must be a great increase of our own burdens; while the maritime defensibility of India would require to be altogether reconsidered, were the dangers of a land invasion to be supplemented by the appearance of a possible antagonist as a naval power in waters contiguous to Indian shores.

49. We cannot pretend to divine the fu-

ture, or to say whether any European Power, and if so which, will at any time push her advance to the point of claiming a maritime outlet in or near to the Persian Gulf. The fate of Mesopotamia lies beyond our ken: and it may be that in the collapse of the Ottoman Empire, some stronger Power may one day exercise dominion at Baghdad, may occupy Basrah, and may demand access for its vessels to the neighbouring waters of the Gulf. Such a consummation, it is in our opinion, in the interests of British policy, as long as may be possible, to postpone. But upon the question of allowing any European Power, and more especially Russia, to overrun Central and Southern Persia, and so to reach the Gulf, or to acquire naval facilities in the latter even without such territorial connections, we do not conceive that any doubt whatever can be entertained; and we imagine that it will be accepted as a cardinal axiom of British policy that no such development would be acquiesced in by Her Majesty's Government. We would arrive with the greater confidence at this conclusion, since we were lately informed by Your Lordship that on April 15th of the present year, Lord Salisbury communicated to the Persian Government with reference to rumours of the cession of a port in the Gulf to Russia, that "Her Majesty's Government felt it to be their duty to renew the intimation that it would not be compatible with the interests of the British Empire that any European Power should exercise control or jurisdiction over the ports of the Persian Gulf."

50. Such being the existing situation in Southern Persia, and the principles of policy accepted by Her Majesty's Government being as already stated, we pass to a consideration of the manner in which these principles should be translated into action, and of the steps which should, in our opinion, be taken at the present juncture for the protection of the common interests of Great Britain and the Indian Empire.

51. We are aware that, more than half a century ago, there were exchanged, and have more than once since been repeated, certain explicit assurances concerning the integrity and independence of Persia between the Governments of Great Britain and Russia. The first of these assurances were entered into by Lord Palmerston and Count Nesselrode. The former in a despatch, dated September 5th, 1834, placed on record that "the Governments of Great Britain and Russia are acting, with regard to the affairs of Persia in the same spirit, and are equally animated by a sincere desire to maintain, not only the internal tranquillity, but also the independence and integrity of Persia." Count Nesselrode, in despatches, dated October 20th, 1838, and January 29th, 1839, reiterated these pledges on behalf of his Government. Again in 1873 the continued existence of these mutual assurances was referred to with satisfaction by Count de Brunnow, as reported in a despatch by Lord Granville, dated July 10th, 1873. Finally, on March 12th, 1888, M. de Giers intimated, through M. de Staal, to Lord Salisbury that the Russian Government "have no objection to placing again on record that their views on this point are in no way altered"; and a communication to the effect that the engagements between Great Britain and Russia to respect and promote the integrity and independence of the Persian kingdom had again been renewed and confirmed, was accordingly made by Sir H. D. Wolff to the Shah.

52. Whilst it may be presumed that these pledges, so frequently renewed, are still in existence, and while we have no desire to infer that they are within measurable distance of being broken, we are yet of opinion that they are in themselves quite insufficient to arrest the centripetal progress of Russian influence in Persia, or to save either the Persian kingdom, or British interests in it, from the erosive agencies that we have described. Within the limits of a nominally still existing integrity and independence so many encroachments upon both those attributes are possible, that by almost imperceptible degrees they pass into the realm of constitutional fiction, where they may continue to provide an exercise for the speculations of the jurist, long after they have been contemptuously ignored by statesmen.

53. If this proposition be accepted, and if we cannot rely upon written pledges to safeguard the future of Persia, it behoves us to examine the various alternative policies that have been or can be proposed. The first of these is the policy of a regeneration of Persia by Anglo-Russian means; *i.e.*, joint action by Great Britain and Russia to insist upon reforms, to reorganise the administration and finances, to develop the resources of the country, to lend the requisite means, in fact to convert the Persian Government by combined philanthropy from a moribund into a solvent institution. This policy was discussed and rejected by Sir M. Durand in his Memorandum of September 1895, on the ground that Russia would denounce us to the Shah to begin with, and would play us false afterwards; and in his despatch of February 1899, he again "proceeds upon the assumption that we cannot hope to come to terms with Russia, and persuade her to join us in a policy of reform and development." We concur with Her Majesty's Minister in believing that the reform of Persia by a policy of friendly co-operation between Russia and ourselves is out of the question; and we do so in the main for the reason, which no one familiar with Persia will deny, that Russia is interested not in the reform of Persia, but in its decay; that in the background of her ambitions is the vision of a country and a people falling from inherent debility into her grasp; and that any policy which might tend to strengthen the country or to revivify the people, is to be resisted as tending to thwart the fulfilment of those ambitions. We might give many illustrations in support of this proposition; but we will content ourselves with one. Sir M. Durand has lately supplied to the Foreign Office the version given by the Sadr Azam of the agreement between the Persian and Russian Governments, by which the former bound itself in 1889 not to grant any railway concessions to any other Power than Russia, except with the consent of the latter, for a period of 10 years. Whatever be the real facts of the case, there can be no doubt that this engagement, as long as it has lasted, and so long as it continues to last, is an effective barrier to any genuine development of the country. It was due to expire in the present year. Our latest information from Sir M. Durand is that it has, under pressure from the Russian Government, been renewed for another term of five years.

54. The alternative policy recommended by Sir M. Durand is that we should plainly intimate that any Russian encroachments in Northern Persia will provoke corresponding measures for the protection of British interests in the south. In his Memorandum of September 1895, Her Majesty's Minister suggested that this declaration should be made to the Russian Government. In his despatch of February 1899 he proposed that it should also be made to the Persian Government; so that both parties should be well aware of the steps that would follow upon any further Russian aggression. It has been objected to this policy that such an engagement might impose upon the British Government an unwelcome obligation to intervene and to add to British responsibilities in Southern Persia, at the moment most opportune to Russia, and least opportune to ourselves. There is force in this objection; although we think that it might be met by introducing sufficient elasticity into the proposed intimation to leave Her Majesty's Government free to act for the protection of British interests in Southern Persia, not in a specified manner at a specified moment, but in what manner and at what juncture might commend itself to their judgment. Moreover the value of the objection is somewhat weakened by the consideration that did Russia take any such step in Northern Persia as is here contemplated, counter-action of some sort, with or without a previous intimation, would in all probability be imposed upon Her Majesty's Government; while the knowledge that a Russian advance in the north might be the signal for a corresponding British move in the south would, it can scarcely be doubted, operate as a deterrent upon any premature activity on the part of Russia, since she might thereby gravely jeopardise the realisation of her own dreams of ultimate access to Southern Persia and the Persian Gulf.

55. Nevertheless before we recommend that such a policy should be essayed, we desire to raise the question whether, though it be impossible to conclude an agreement with Russia for the joint patronage and development of Persia, it might not yet be possible to come to an understanding with her for the separate patronage and development of that country in distinct and clearly defined compartments by the two great Powers, in other words for a recognition of British and Russian spheres of interest in the dominions of the Shah. This is a solution the desirability of which has not been lost sight of by Sir M. Durand, but which for certain reasons he did not feel called upon to discuss. Recent events in China have familiarised the public mind with the idea of such spheres of interest, although their existence would appear to be still somewhat lacking both in clearness of definition and in precision of outline. The Viceroy has observed in recent telegrams from Lord Salisbury to Sir M. Durand with reference to a Persian loan and to mining concessions in that country, indications of a willingness to concede to Russia liberties in the north of Persia, parallel in scope and substance with those conceded to Great Britain in the south; and it is worthy of consideration whether in an expansion of this suggestion might not be found a feasible scheme.

56. We have already alluded to the line across Persia drawn by Sir M. Durand from Khanikin on the Turkish frontier, through Kermanshah, Hamadan, Ispahan, Yezd, and Kerman to Seistan, as indicating the northern limits of the sphere within which British political influence and trade are paramount. To some extent this partition is assisted by geographical conditions, the great deserts of Central Persia constituting a natural barrier between the north and the south, and roughly dividing the one from the other. But this situation is modified both in the west of Persia, where there are no deserts, and where there is no physical line of demarcation between the respective spheres of influence; in the centre of Persia, where Ispahan can hardly be said to constitute the natural frontier of any geographical zone; and also in the extreme east where Seistan, the inclusion of which in the British sphere would be an obligatory point, lies not to the south but to the north of the great desert. These considerations might not affect the success of any engagement that was carried out with equal *bona fides* by both parties: but they might become a fruitful source of friction were such a good understanding not to be counted upon in the future. In any case, we would recommend that the line of partition, suggested by Sir M. Durand, should be so far amended as to substitute Kashan for Ispahan. It would be undesirable that any Russian railway should penetrate further south than Kashan, which indeed is separated by a considerable range of hills from Ispahan, or that Russia should have right of access to the very fringe of the latter district.

57. We have observed that in China the Agreement recently concluded between Her Majesty's Government and Russia as to spheres of interest has related to railways only. Either party has pledged itself not to seek on its own account or on behalf of others for railway concessions in the rival sphere, and not to obstruct, directly or indirectly, applications for such concessions, supported by the other in that sphere. *Prima facie* there does not appear to be any reason why such an agreement should not equally be extended to mines, roads, and other industrial or economic undertakings. The value of such an understanding is considerable; because although political influence is not expressly mentioned, yet in eastern countries commercial and industrial enterprises are the familiar agencies through which political influence is exercised by alien powers, and because that influence is apt to follow in the wake of railways and trade. We do not think, if such an agreement were arrived at with Russia, with reference to the Persian territories lying north and south of the predicated line, that there would be an end to Russian designs in Southern Persia or in the Persian Gulf. Such a result might, perhaps, ensue from an engagement that no political influence should be exercised by either party

on the opposite side of the line. But there would be manifest difficulties in arriving at any such understanding; since it would be out of the question to remove the British representatives, either at Tehran, at Tabriz, or at Meshed, whose functions necessarily involve the exercise of some sort of political influence, while a corresponding objection would no doubt be felt by the Russian Government. But even an engagement limited to railway and commercial exploitation would have this effect, that it would deprive Russia of the means by which political or territorial ambitions in the rival sphere could most easily be carried out, and would render it difficult for her to push them to success, as long as Great Britain remained on the alert.

58. There are, however, difficulties and drawbacks in the case of such an understanding which it would be impolitic to ignore. We have already hinted at one of their number. The facts with reference to Seistan which have been mentioned by the Viceroy in his Minute, by Sir M. Durand, and also in this despatch, indicate the absolute necessity of including that district within the British sphere. Nevertheless Seistan is physically and administratively a part of the province of Khorasan, from which it is severed by no clear line of division, the Governorship of Seistan being vested in a member of the old ruling family of Kain, the two existing heads of which are brothers, residing respectively at Tabbas and Birjand. It also seems exceedingly doubtful to us whether Russia would, by any such agreement as we are discussing, forego her designs upon Seistan itself, and still more her chances of reaching the eastern extremity of the Persian Gulf. Nor again is it clear that she would be willing to cancel the engagement with regard to railway construction, which she has recently renewed with the Persian Government, and to hand over the southern half of Persia to possible railway exploitation by British agency, in return for a monopoly of similar exploitation (which may be said to be already at her disposal) in the northern half. These, however, are considerations which could only be decided by the attitude of Russia herself, were she approached on the subject by Her Majesty's Government. We indicate them merely for the purpose of showing that we are far from confident that the suggestion, if put forward, will meet with a favourable reception.

59. A more serious drawback, from the point of view of British interests, is the fact that the capital of Persia would lie in the northern or Russian sphere, and that Russian influence there, already predominant, could hardly fail to become supreme. The situation that has recently arisen in China would present itself with ten-fold gravity and emphasis. A desire would not merely be intimated to connect the capital with the Russian railway system: but a line itself would, we may imagine, at once be made to Tehran, while corresponding lines would in all probability be constructed from the Russian frontier in Georgia to Tabriz, and in Trans-Caspia to Meshed. With the three great cities of Northern Persia thus permanently linked with the Russian system, the power of pressure exercised by the Russian Government, which is already considerable, would be positively overwhelming. The results would, in all probability, be felt beyond the limits of Persia. They would aggravate the already formidable offensive strength of Russia against Northern Afghanistan, and would increase the weight and influence of her position throughout Central Asia. In Persia itself, the Shah would tend more and more to become a Russian puppet, and Northern Persia a Russian proconsulate. We should look with great anxiety, in such a case, upon the fate of such institutions as the Imperial Bank of Persia, and the Indo-European Telegraph Department, whose head-quarters are in Tehran. We should fear a marked diminution of influence on the part of Her Majesty's representative at the capital; and we do not conceal our anticipations that in the long run such a partition might involve the permanent break up of the Persian kingdom, and, if it did not ultimately lead to rival Russian and British Protectorates in the north and south, might at any rate result in the selec-

tion of another capital, and in the rule of more than one native prince in Persia.

60. Neither will it be overlooked by Her Majesty's Government that, while any such arrangement with Russia might preclude that Power from obtaining control over Central and Southern Persia and in that way reaching the Persian Gulf, it would not for one moment retard, but might on the contrary accelerate her advance to the same objective through Mesopotamia by way of Baghdad. This is an issue which we should regard with scarcely inferior repugnance; but the problem is one which we do not feel called upon to discuss upon the present occasion, and which would require to be examined on independent grounds. Nor again would an Anglo-Russian agreement preclude France, or Germany, or any other Power from endeavouring to acquire in Southern Persia or in the Gulf the position from which Russia would *ex hypothesi* have debarred herself. There might even be combined action between them for that object. These however are features inseparable from the solution which we are discussing, and which would be of a less formidable character, if the influence of the principal competitor were removed from the scene. We should strongly deprecate the political rivalry of any European nation in the neighbourhood of the Persian Gulf; even though such a situation, while fraught with constant annoyance, might not, as in the case of Russia, constitute a positive menace to the Indian Empire.

61. There remains the further danger, distinctly contemplated by Sir M. Durand in discussing the question of a possible understanding with Russia, that she would not abide by the terms of any such understanding. Sufficient grounds for this induction may unquestionably be found in the history of Russian advance in Central Asia during the past half century. But an appreciation of the inclinations and idiosyncrasies of both parties to an agreement, in the light, where possible, of past experience, is an element in the drawing up of a fresh bargain which is not likely to be lost sight of by either agent, whether it be regarded as involving a discount from, or an appreciation of, the value of the new contract. Moreover such contracts, if not of perpetual duration, or even if ultimately infringed by one of the two parties, have been shown in many cases to be of immense value, in the respite that they afford from the strain of an otherwise ceaseless rivalry, and in the opportunity presented for a peaceful consolidation of existing interests.

62. We have now placed before Your Lordship the *pros* and *cons*, as they present themselves to our eyes, of the alternative policies in Persia. While not sanguine as to the prospects of success, we are ourselves of opinion that the experiment of an understanding with Russia as to future spheres of interest in that country is worthy of being made, in the interests both of Persia itself, and still more of harmony between the two great Powers, upon whose relations the peace of Asia may be said to depend. Should Her Majesty's Government decide upon making any overtures to the Russian Government in the direction indicated, and should they either be rejected, or result in failure, it will still be possible to adopt the alternative recommended by Sir M. Durand. Indeed, if the terms of a reasonable arrangement are proffered by one party, and are refused by the other, the natural corollary would appear to be that the originator of the proposal should reserve to himself the right to protect by whatever means may be at his disposal the interests which he has endeavoured to conserve by friendly co-operation; and should meet what would in such a case be conscious aggression on the one side by retaliation on the other.

63. In any case, however, though still more in the case of a failure to arrive at an understanding with Russia, we conceive that it is incumbent upon Her Majesty's Government and upon the Government of India to come to an early decision upon the subsidiary question, raised by Sir M. Durand, namely, as to the steps that require forthwith to be taken in order to safeguard British and Indian interests in the so-called British sphere in Persia from

the competition with which we have shown them to be threatened.

64. Sir M. Durand, in his despatch, has made a calculation of the sums annually expended by Her Majesty's Government and the Government of India respectively upon the British establishments at present maintained in Persia. He arrives at a grand total of £38,470 per annum distributed in the following proportions: Her Majesty's Government,* £14,376; Government of India, £24,094. Inasmuch as these figures are not, in all respects, correct, and as they omit several items of charge for which Indian revenues are responsible, we have made an independent computation, which is here presented, for purposes of comparison in tabular form. In a further column we present the charges also borne by the Government of India and Her Majesty's Government severally in respect of Mesopotamia and the Tigris—*i.e.*, Turkish Arabia, an area, which though not belonging to the Persian dominions, is so closely adjacent thereto as to constitute a part of the same political system, and for the maintenance of British interests in which the Government of India have hitherto been called upon to pay, as inseparably connected with the trade and policies of the Persian Gulf:—

* That is £12,876 + £1,500 on account of travelling allowances.

I.—SIR M. DURAND'S FIGURES.

A—Charges borne by Her Majesty's Government—	£
Tehran	9,640
Astrabad	48
Resht	750
Tabriz	920
Ispahan	778
Kerman	250
Mohammerah ...	490
Travelling allowances ...	1,500
	14,376

65. According to these figures, which we have been at much pains to verify, it appears that upon the various establishments maintained by the British Government in Persia, the Imperial Government spends £15,466 and the Government of India £61,-052 per annum. If Turkish Arabia be included in the calculation, as we think it must in fairness be, and as it was in a statement prepared for and presented to the Royal Commission on Indian expenditure in 1896, the totals will amount to Great Britain £15,597, India £71,656.

66. It will not, we apprehend, be denied that these contributions do not at all fairly represent the respective proportions of Imperial and of Indian interest in Persia and its surroundings. The argument into which we entered in an earlier part of this despatch will have failed in its purpose if it has not given good grounds for thinking that in the determination of British interests in Persia too much stress has hitherto been laid upon the Indian, and too little upon the British, quota; and that a more even partition both of responsibility and of financial burden might with reason be adopted in the future.

67. This however is a question which we are not at the present moment called upon to discuss with any minuteness, the more so as it is understood to be one of the subjects that have attracted the attention of the Royal Commission above alluded to, and

II.—GOVERNMENT OF INDIA'S FIGURES.

A—Charges borne by Her Majesty's Government—	£
Tehran	9,640
Astrabad	48
Resht	750
Tabriz	920
Ispahan	778
Kerman	250
Mohammeral. ...	490
Travelling allowances ...	1,500
½ Karun subsidy ...	1,000
[1] Consular clerk at Bushire	90
	15,466

[1] That is £120 sanctioned by despatch No. 91 (Political), dated 3rd August 1899, minus £30 fee allowance withdrawn.

B—Charges borne by Government of India—

Tehran	7,000
Meshed	8,600
Kermanshah ...	24
Shiraz	160
Kerman	250
Bushire	7,700
Gulf Telegraph ...	120
Bahrein	240
Shargah	
Lingah	
	24,094

[2] *B—Charges borne by Government of India*

(Persian Legation)—	£	
(a) Expenses in India ..	1,608	
(b) Contributon paid at Home towards the cost of the Legation	7,000	
(c) Telegraph subsidy to Persian Government for Makran line ...	580	
Meshed	8,640	
Kermanshah		Charge given in Sir M. Durand's list is included in Indian accounts under Meshed.
Shiraz		Charges given in Sir M. Durand's list are included in Indian accounts under Bushire.
Gulf Telegraph		
Bahrein		
Shargah		
Lingah		
[3] Kerman	400	
[4] Seistan	400	
Tehran-Meshed Telegraph line ...	1,239	
Bushire	7,769	
Karun subsidy paid from the Home Treasury ...	1,000	
Gwadur Agency charges	197	
Indian Marine charges—		
Maintenance of "Lawrence" ...	8,266	
Subsidy for "Sphinx" ...	15,000	
Repairs of "Sphinx" ...	3,276	
Coal of "Sphinx" and "Lawrence"	3,960	
Coaling depôts ...	470	
Indian Military charges—		
[5] Detachments in Persian Gulf ...	1,247	
Total Indian charges	61,052	

[2] The Indian charges down to and including the Gwadur Agency charges are taken from the accounts for 1897–98. They include superannuation charges, and the figures are turned into pounds sterling at 1*s.* 4*d.* per rupee. The Indian Marine charges have been furnished by the Examiner of Marine Accounts; the Indian Military charges by the Comptroller of Military Accounts, Bombay Command.

[3] Annual expenditure up to Rs. 6,000, *i.e.*, £400 sanctioned for five years from 1898.

[4] Annual expenditure up to Rs. 6,000, *i.e.*, £400 sanctioned in 1899.

[5] This is exclusive of extra cost for detachments at Jask and Charbar.

III.—EXPENDITURE IN TURKISH ARABIA.

A—Charges borne by Her Majesty's Government—

	£
Baghdad, Mosul and Karbela	131

B—Charges borne by the Government of India in Turkish Arabia—

Baghdad, Mosul and Karbela	5,098	6,498
Basrah Consulate (to be paid at the Home Treasury) ...	1,400	
Tigris Postal subsidy		1,600
Maintenance of "Comet"		2,506
Total Indian charges ...		10,604

that are likely to be dealt with in its Report. We observe that in the evidence so far printed and published, some attention has been paid to the case, and we reserve till the appearance of the final Report, any further remarks that we may have to offer thereon.

68. We would observe, however, in strict connection with the question now under examination, *viz.*, the increase of Consular and other establishments in Persia—which is itself a branch of the wider subject—that in the reconsideration of the case for which the Government of India have more than once pleaded, it appears to us that one of two principles may with advantage be borne in view. The entire charges which are placed upon the revenues of the British Empire for Persia and Turkish Arabia may be added together, and may be divided in certain proportions, to be revised, if necessary, at definite intervals, between the Imperial and Indian Exchequers. Some such principle was adopted, when in 1859 the British Mission at Tehran was re-transferred to the Foreign Office, and when it was laid down by Lord John Russell that the ratio of the charges met by India and Great Britain should be as 12 to 5. We are not aware that this principle has ever since been formally repudiated or surrendered, although it appears to have been widely departed from in practice.

69. The other method would be that of determining what are the spheres or localities in Persia of special concern either to Her Majesty's Government or to the Government of India, and of debiting the charges incurred for them against the revenues respectively of the United Kingdom and of India. This is the solution which we should on the whole prefer, even though in practice it might be found to be less economical of Indian expenditure than the other arrangement. Responsibility would be more sharply defined, and more quickly acted upon; the chances of disagreement or dispute would be greatly diminished; and either party would have its contribution more directly under its own control. It would not be difficult in our opinion to constitute such a partition of interest, which would be determined by a combination of geographical, political and commercial conditions. The parts of Persia that border upon Afghanistan, Baluchistan and the eastern end of the Persian Gulf would naturally fall within the Indian sphere. The northern and western portions contiguous to the Caucasian provinces of Russia, to Turkey, and to Mesopotamia, would possess a greater interest for Her Majesty's Government. To a considerable, though still only a partial, extent this principle has already been acted upon; whilst it will be in the recollection of Your Lordship that the Government of India have in one case pressed for a vindication of it, which they have felt to be equally demanded by policy and justice. In February and again in August 1895, our predecessors expressed a very strong opinion that they should not be called upon to contribute towards the Karun service, as long as the subsidy for the mail service on the Tigris was met exclusively from Indian revenues. They stated their opinion that "the interests involved in the Karun service are purely Imperial and not Indian, and, if this service ceases altogether, the interests of India will not be affected thereby." It was only after the receipt of an urgent appeal from the Foreign Office, and on the explicit understanding that the whole question of the distribution of the charges on account of the Tigris and the Karun should be referred to the Royal Commission then sitting, that the Government of Lord Elgin, not without a vigorous dissent from the then Finance Member, Sir J. Westland, consented to continue the payment of a moiety of the Karun subsidy pending the stipulated decision. We cordially endorse the views which were expressed by our predecessors in respect of the Imperial and non-Indian character of this charge, and we shall be glad to learn what are the recommendations of the Royal Commission on the subject.

70. The mention of the Karun and Tigris services affords an incidental illustration of the commercial considerations by which the allocation of responsibility that we are discussing might be determined. It is, of course, difficult to decide in the case of any

particular market or harbour the exact shares of interest in it that may be claimed by British or by Indian trade. The former is more likely to be in the ascendant in the north, the latter in the south, of Persia. Broadly speaking, however, we do not think it will be disputed that the supervision and promotion of British commerce in foreign countries are a responsibility properly devolving upon the Imperial Government. The fact that a considerable proportion of the trade of any foreign town or port passes to or from India (and even of such trade a large part is apt to be often British in origin) is not a reason for placing the consular or other charges exclusively upon the Indian revenues, any more than a corresponding preponderance of Colonial trade in any particular quarter would be regarded as a reason for demanding a contribution from the Colonies. We imagine the real line of distinction to be that, whereas the commercial interests of Her Majesty's Indian subjects, outside of India, are in the main the concern of the Imperial Government, yet in cases where the political importance of a place or district exceeds the commercial, and where that political importance is Indian rather than English in character, the Government of India may legitimately be called upon to defray sometimes a large proportion, sometimes the whole of the cost. In this way we may account for the exclusive financial responsibility of India for Meshed, for Bushire and the other ports of the Gulf, and for Baghdad (although we regard the latter as an extreme and questionable extension of the principle). On the other hand the charges for Ispahan, Kermanshah, Tabriz, &c., fall, or ought in our judgment to fall, upon the Imperial revenues. Tehran, as the capital, is, in a sense, a meeting ground of the two systems; and a division of the cost between the two Governments has accordingly been in existence ever since 1835, although the passage of time has witnessed a gradual reduction of the Indian contribution, and may, we hope, lead to a further reconsideration of the matter, when the present arrangement expires in 1901.

71. We will now proceed to apply the principles which have been enunciated to a consideration of the particular question referred to us by Your Lordship, *viz.*, the suggestions of Sir M. Durand on the one hand, and our own views or proposals on the other, concerning the increase of Consular and other establishments in Persia. We may say at once that we are anxious to regard the question from a broad-minded and liberal point of view, that we have no desire to haggle with Her Majesty's Government over shares of responsibility or of cost, and that we are quite willing to add to our own charges for the protection of British interests in Persia, in the confident belief that Her Majesty's Government will not be behindhand with a similar generosity. Our argument as to the magnitude and significance of those interests and the reality of the dangers with which they are assailed would have been insincere, were we unprepared to give to it a practical demonstration.

72. For the sake of clearness we will divide the country into different spheres, representing with sufficient accuracy the rough lines of demarcation between British and Indian interest. In the northern and central sphere, and in the western sphere, the responsibility of Her Majesty's Government is in our judgment more directly involved. In the eastern sphere, and in the southern or maritime sphere, we admit a corresponding preponderance of Indian interest.

73. Commencing with the first named of these areas, we find that Sir M. Durand recommends an improvement in the pay and status of Her Majesty's Consul-General at Tabriz. In so far as our judgment on the matter is desired, it is in entire accord with the proposal. We are more doubtful about the suggestion to appoint an additional Vice-Consul at Tabriz, with thé intention of posting him later on at Urumia; since we incline to the opinion that the ultimate destiny of the Persian Nestorians has been irretrievably fixed by their recent wholesale conversion to the Russian faith. We concur with Sir M. Durand as to the desirability of reducing the Consulate at Resht to a Vice-Consulate. We have before expressed our

hearty concurrence with his proposals concerning the Consulate at Ispahan. These proposals without exception concern in their financial aspect the British, and not the Indian, Exchequer.

74. In the western sphere Sir M. Durand advocates the appointment of a British Vice-Consul at Kermanshah, subordinate to the Consul-General at Tehran, and paid for by England, in place of the present native agent, whose modest allowance of £24 is drawn, for some unaccountable reason, from the charges for the Meshed Agency, *i.e.*, from Indian funds. The figures of British trade passing through Kermanshah from Baghdad to Tehran appear to us amply to justify the proposed change. We are less confident about a suggestion made by Sir M. Durand, originally in connection with this route, but also with a wider application, namely, that we should depute an Indian officer to examine the various possible routes for railways in Persia and to make suggestion. Such a proceeding would, in our opinion, be both premature and uncalled for. We are very doubtful whether in her present state of evolution Persia is prepared for railways. The recent renewal of the prohibitive agreement with Russia shows that the latter Power does not for the present at any rate intend them to be introduced. Enquiries of the proposed character would be certain to arouse suspicion; and finally we believe that we are already in possession of the materials enabling us to judge of the railways, very few in number, that under existing conditions it would be prudent, if it were possible, to construct in Persia.

75. Further to the south Sir M. Durand recommends the substitution of a Consul for the Karun and Arabistan at a salary of £800 (to be divided between the Imperial and Indian revenues) for the present Vice-Consul at Mohammerah, whose salary of £490 is defrayed from Imperial sources. He also contemplates the abandonment at an early date of the handsome annual subsidy of £2,000 now paid in equal moieties by the two Governments to Messrs. Lynch for their service upon the Karun. Our previous attitude on this subject will prepare Your Lordship for our ready acceptance of these views. But we think that the entire cost of the proposed Consulate and of such subordinate native agencies as may be required should be borne by Her Majesty's Government, since we cannot too emphatically reiterate our opinion that India is only indirectly interested in the Karun question. We shall be prepared to show a corresponding liberality in quarters of more manifest importance to India. A Consul at Mohammerah (or Ahwaz or Shushter) would of course correspond with the British Resident at Bushire, as well as with Her Majesty's Minister at Tehran.

76. We next turn to the eastern sphere, where Indian interests may be described as supreme. Sir M. Durand throws out a hint that money might perhaps be saved at Meshed, where the existing establishment imposes upon Indian funds a charge of no less than £8,640 a year. We are inclined to agree with him. Although in view of the proximity of Afghanistan, and of the militant character of Russian pretensions in Khorasan, it is desirable to maintain an adequate British representation at Meshed, we think that the present scale is excessive, and that the results obtained are incommensurate with the cost. We are considering whether by a reduction of the grade of the Political Agent now stationed there, and by the removal of the Political Assistant to some spot where his services would be of greater value, we might not be able to effect a considerable money saving, to be better applied elsewhere. We are sceptical also as to the value received for the large secret service grant at present made to the Meshed Agency, and expended in the main in procuring unreliable and almost worthless information through native and ill-informed agents. On the other hand, we are prepared to compensate for a less extravagant expenditure at Meshed by a more vigilant attention to Seistan, and by strenuously fostering the trade route connecting that district with British Baluchistan. The political and strategical importance of Seistan appears to us to justify and even to necessitate the former attitude. We are encouraged to adopt the latter by the figures

of trans-Nushki traffic, which have risen from a total of 1½ lakh in 1896 to Rs. 5,90,000 in 1897 and (in spite of an adverse season) to Rs. 7,28,000 in 1898, in which year the imports alone into Quetta from Seistan reached the value of Rs. 2,50,880.

77. We have some time past been examining the question of the permanent appointment of a British officer to Seistan; and the deputation of Captain Sykes from Kerman to Seistan in the present year, and the sanction of an annual expenditure of £400 from Indian revenues upon a Seistan Consulate, have already been mentioned. The reports of Captain Sykes are strongly adverse to the permanent appointment of a British officer to Seistan; and whilst we do not entirely concur with his reasoning, and regard his views as to some extend coloured by other prepossessions, we nevertheless are of opinion that such an appointment might for the present be postponed; the more so as it appears likely that the nomination of a Russian Consul to Seistan, though previously announced, is likely not to be preserved in, unless a British representative appears permanently upon the scene. Should a Russian officer be finally appointed, we think that there will be no alternative but to send a British officer also. In the meantime we are prepared to depute a reliable native agent from our Indian service to reside at Nasirabad, the capital of Seistan, and to appoint a second to reside at Birjand, the capital of Kain, both of these officials to be under the orders of the British resident at Meshed, in correspondence with the Persian arrangements under which Seistan and Kain constitute a portion of the Governorship-General of Khorasan. We estimate that the annual cost of these two posts will amount to £150—£200 per annum more than the already sanctioned charge for the Seistan post; and this addition we are prepared to meet. In making these proposals we have the satisfaction of knowing that we are sure of the support of both Your Lordship and of the Foreign Office; since, in a Revenue despatch, dated December 2nd, 1897, Your Lordship, in sending to us a letter from the Foreign Office, expressing their good hopes of the future of the Quetta-Meshed route, provided that Consular protection and other facilities were furnished at points along the road, commended these remarks to the Government of India, and added: "I trust that the suggestion of appointing Consular Agents at points along the trade route between Quetta and Meshed may receive the attentive consideration of Your Excellency's Government. It appears to me a measure desirable from many points of view, and especially in connection with the facilities which might be afforded by that route for the transport of arms and ammunition between the Persian Gulf and Baluchistan." Since writing the above paragraph, we have received news by telegraph of the appointment of another Russian officer as Consul to Seistan. We shall await the realisation of this announcement, and shall, in that case, be prepared to modify our proposals in the sense already indicated.

78. As regards the trade route in question, we propose to take active measures for its development within our own territory. We contemplate spending additional, though not extravagant, sums upon the better provision of wells, accommodation, supplies of fodder and other stores, and the protection of the track. We may even require to appoint a second British officer, to relieve Lieutenant Webb Ware of the excessive strain now imposed upon him by the administration of an extensive district, in addition to the protection of a road over 400 miles in length. We hope by these measures, which will be unostentatiously pursued, to escape the jealousy aroused by a too open challenge of rival ambitions in Seistan, and to build up in that neighbourhood a substantial commercial and political interest, which will find no mean ally in what we believe to be the natural predisposition of the inhabitants. Experience alone can inform us whether the anticipations that have been framed by the prospects of the Nushki-Seistan trade route are over-sanguine, as in some quarters they are freely said to be. If unsuccessful, the experiment which we now propose to make can be abandoned without discredit. If, as

we believe, it will be found to have both a political and a commercial value, we shall be better enabled in the future to pronounce upon the larger schemes which have sometimes been put forward in connection with Seistan, and a reference to which will be found in the Minute written by the Viceroy. At present, it does not seem to us to be necessary to take them into consideration.

79. We agree with Sir M. Durand in thinking that a British Consul should be permanently appointed to Kerman. We have already sanctioned a contribution of Rs. 6,000 or £400 a year to the cost of this post; and we are prepared to continue the payment of this sum. We believe that there are good reasons for which Her Majesty's Government may desire to continue the payment of a similar moiety of the cost. But should their acceptance of the increments proposed elsewhere, notably in the case of the Karun, be facilitated by our assumption of the entire cost of the Kerman Consulate, we should be prepared favourably to consider such a proposal; or, if it were preferred, to divide with them the cost of the Karun and Kerman Consulates combined. The financial result would in either case be approximately the same.

80. Sir M. Durand has suggested a British Vice-Consul, or a native agent at Bampur. For the present we think that the latter will be the preferable alternative; and we are prepared to undertake the outlay, which will not exceed about £300 per annum. The officer in question would be under the orders of the British Consul at Kerman.

81. Finally we come to the southern sphere, including the coasts and ports of the Persian Gulf. Your Lordship will have been prepared by what has previously been said for the announcement of our willingness to submit to some sacrifices for the defence of an interest, so substantially grounded, and so conspicuously assailed. We are unable to agree with Sir M. Durand in the suggestion that any material reduction of expenditure can be effected at Bushire. On the contrary we are disposed to think that, if the best men in our service are to be attracted to that post, we may even require to add to its pecuniary attractions. We agree with him, however, in thinking that the Resident at Bushire should reside at Shiraz, and exercise his consular functions there during the summer months. We understand from Colonel Meade that the cost of a site for a house (no suitable building being available either for hire or purchase) would be from £1,000 to £1,200, and of building and furnishing about £1,500. We think that this expense might be borne in equal proportions by the Imperial and Indian Governments; and we are prepared to undertake the annual outlay that may be required for up-keep and repairs, and for the provision of a substitute for the present native agent, during the time that the Resident is living at Bushire.

82. We are heartily in accord with Sir M. Durand in thinking that a British officer should be appointed to Bunder Abbas, with charge of the Gulf ports east of Bushire, and of British interests in the maritime provinces of Southeastern Persia. The necessity of such an appointment was mooted, as long ago as 1879, by Colonel Ross, at that time British Resident at Bushire. It was raised again in 1882, 1884, 1885, 1888 and 1892, and on the majority of these occasions was supported by petitions from the not insignificant Hindu and Khoja population engaged in trade at Bunder Abbas. In 1893, the appointment as Vice-Consul of an Englishman engaged in business at that port was agreed to by the Government of India and was sanctioned by the Secretary of State (Lord Kimberley), but was subsequently dropped upon the inexplicable grounds that the estimated cost of Rs. 50 a month or £40 a year could not be saved out of the Bushire Residency funds. In 1896, the question was again discussed between the Government of India and the Resident (Colonel Wilson); and the former so far departed from their former attitude as to say that the proposal must be held over until the normal conditions of trade had been restored by the withdrawal of the Russian sanitary cordon. These conditions have since been fulfilled, and we are prepared to look with a more favourable eye upon a proposal, the intrinsic recom-

mendations of which are not open to dispute. We are willing to accept the financial responsibility for the proposed appointment, although we think that it may be possible to meet it without additional cost by the transfer to Bunder Abbas of the Political Assistant now stationed at Meshed. Sir M. Durand suggests that the officer appointed to this post should pass the summer months at Yezd (Bunder Abbas being an impossible site of residence during the hot season), taking the place there of the present unpaid Commercial Vice-Consul. Upon this point we would propose to consult Her Majesty's Consul at Kerman, which is in close connection with Bunder Abbas and the coast; and we will submit to Your Lordship at a later date our final views upon this subject.

83. Sir M. Durand mentions, as a matter affecting exclusively the Government of India, the possible appointment of a British officer at Bahrein. We do not hesitate to state to Your Lordship that such an appointment is in our opinion both desirable and obligatory. Trouble, similar to that which we have already incurred in Maskat, is brewing in Bahrein, the treaty engagements of which petty State with Her Majesty's Government provide no legitimate excuse for such complications. It is necessary to anticipate them by placing a British officer permanently in the island; and we are at the present time awaiting Colonel Meade's definite proposals on the matter. We are inclined to think that it will probably be sufficient to nominate an officer of a subordinate class. From time to time he will also visit Koweit. It remains to be decided whether he should also have under his political jurisdiction the Trucial Chiefs of the Arab or Pirate coast, or whether these should be placed under the officer at Bunder Abbas. We incline to the former opinion, but reserve this matter for subsequent decision.

84. We have now dealt with each one of Sir M. Durand's specific proposals, and have stated our own views in support, in amendment, or in supplement of them. It remains for us to mention some additional proposals of our own, and to comment upon certain independent suggestions submitted by Her Majesty's Minister. We entertain, and have already in the present year acted upon, the opinion that Her Majesty's naval forces should be more strongly and frequently represented than they have hitherto been in the Persian Gulf, and that there should be recurrent visits from the Admiral of the East Indian station. During the past spring Admiral Douglas, at the request of the Viceroy, paid such a visit, and his presence was of material assistance during the recent crisis at Maskat. We are doubtful of the wisdom of the existing system, under which the political charge of the Makran coast, and the distribution of the Telegraph subsidies, is vested in the Director-General of the Indo-European Telegraph Department at Karachi, to whom a special salary of £120 is paid by the Government of India for the purpose. It has been proposed to us that this charge should be transferred to the Political Agent at Maskat; and for the present we reserve our opinion as to the advantages of such a change. It would be eminently desirable that Maskat should be connected by cable with Jask, since at present there is no telegraphic communication with any part of Oman. But this too is a question that must wait for a later solution.

85. Sir M. Durand has proposed that all British Consular officers in Persia should have a small guard of Indian troopers similar to those now maintained at Meshed. We are not clear that such a proposal is at present desirable, and are apprehensive that it might lead to movements on the part of Russia, for which not even the necessities of a plague cordon could be pleaded in justification, and which would scarcely be distinguishable from armed occupation. In this respect we re-echo the opinion which the Government of India expressed to Your Lordship as recently as August 10th, 1898, to the effect that Indian interests are sufficiently involved to justify us in furnishing protective detachments, as we are now doing at Jask and Charbar, for Telegraph stations on the coast; but that our military provision must, for the present, be limited to this service.

86. Her Majesty's Minister also recom-

mends the grant of a supply of travelling tents to every British officer in Persia. As the majority of these, under the proposed arrangements, will be upon the Indian list, the suggested outlay would require in such cases to be met from Indian funds. We do not think that any general rule is required. We are in the habit of including camp equipment in the outfit of any officer whose duties require him to travel. We may observe, however, that tents are more likely to be required in out-of-the-way parts of the country than they are along the main roads, where the existing *chapar* or postal service, although destitute of almost every superficial merit, is nevertheless more rapid and therefore as a rule more convenient than travelling by caravan.

87. Lastly, Sir M. Durand makes certain recommendations with regard to the improvement and better organisation of the Telegraph service in Persia, both native and European. We concur with his suggestion that no opportunity should be lost of getting the Persian wires, which are abominably mismanaged, transferred to our control. He then revives a suggestion, of which much has been heard during the last 20 years, that we should "organise for political purposes" the existing establishment of the Indo-European Telegraph Department; although we do not gather very clearly from his despatch what are the precise measures recommended for that purpose. The last occasion on which a somewhat similar proposal appears to have been made was in 1887, when a Memorandum, dated April 27th of that year, was drawn up by Sir Murdoch Smith, who was despatched on a semi-political Mission to Persia, and who recommended that capable military officers should be scattered about the country, nominally in charge of the Telegraph stations, but in reality as political agents. In a despatch, dated June 24th, 1887, the Government of India expressed a general, but guarded, approval of the scheme. In our opinion there are two sides to the question, for each of which much can be said. It is surprising to us that an institution and a service that have exercised such an influence and are so generally popular in Persia, as the Indo-European Telegraph Department, should not have been attended with more visible political effect. On the other hand, in proportion as the working of the line has become systematised, so there has been less call for the type of Engineer Officer who was required during earlier and more troubled days. The work at the majority of the stations does not admit of much leisure on the part of the signallers and line inspectors. At the more important posts we believe that a considerable, though unobtrusive, influence is already exerted by the superior officer; and we are not convinced that the appearance upon the scene of a number of English officers, whose telegraphic duties would in reality be subordinate to political or semi-political functions, might not arouse suspicion and even produce some friction. We do not desire, however, to pronounce definitely upon the subject, and shall be glad to be acquainted with the views that are entertained by Your Lordship.

88. Before leaving the subject of Persia, we desire to add an appeal upon a matter which we have already argued to be so closely connected therewith as to be inseparable from a discussion of our interests in that part of the world. The proposals that we have submitted do not comptemplate any change in the existing arrangements in Turkish Arabia. Nevertheless, we cannot too strongly state our conviction that those arrangements, financially considered, are unduly harsh in their application to India, and unduly lenient in their incidence upon Great Britain. That the charges borne by Indian revenues for the maintenance of our political and commercial position upon the Tigris and at Baghdad, should amount to £10,604 a year, while the contribution of Her Majesty's Government to the same objects is limited to £131 a year, appears to us to be a partial and inequitable division. We recognise that there are advantages to British interests generally in maintaining at Baghdad an establishment on the scale and of the importance that are associated with an Indian Residency of the second class. But the objects for which such an establishment is there kept up are neither ex-

clusively, nor, as we think, mainly Indian in character. The same remark applies to the Basrah Consulate, where Her Majesty's Government have recently taken into their hands the appointment of the Consul, while leaving the entire charge to be defrayed from Indian funds. Least of all can such a claim be made for the Tigris subsidy, which, in our opinion, falls into the category of commercial arrangements properly devolving upon Her Majesty's Government; although under existing conditions the total cost is borne by Indian revenues. We trust that, in any reconsideration of the case, a more generous division of financial responsibility may commend itself to Her Majesty's Government.

89. We have now completed our survey of the proposals that have been submitted to us for examination, and of the situation in Persia as it presents itself to our eyes. In commending our views to the earnest consideration of Your Lordship and of Her Majesty's Government, we trust that we may have succeeded in impressing upon both, the gravity of the situation with which Great Britain and India are jointly faced, and the necessity, while there is yet time, of meeting it with definite and united counsels. We conclude by reiterating the confident hope, already expressed in our despatch of August 10th, 1898, that in the last resort, and in any sudden emergency, we may rely upon Her Majesty's Government for the protection of interests which are vital both to India and to the British Empire.

102. WILLIAM KNOX D'ARCY OIL CONCESSION IN PERSIA
29 May 1901

[League of Nations, *Official Journal,* 13 (December 1932), 2305–08]

Oil has become synonymous with the Near and Middle East only since the end of World War II, as attested by the fact that between 1945 and 1954 the region's share of the world's proved oil reserves had risen from 40 to 64 per cent and its portion of the total production from 8.1 to 19.7 per cent. But statistics alone do not begin to tell the whole story. The 1889 Julius de Reuter concession in Persia embraced, apart from the bank and note-issuing privileges, the exclusive right to exploit all minerals, among them oil. De Reuter set up a Persian Bank Mining Rights Corporation, which proved unsuccessful in its search for oil, and in 1899 the Persian government withdrew the privileges. Two years later Muzaffar-al-Din Shah (1896-1907) granted a sixty-year oil concession to William Knox D'Arcy, a wealthy British speculator with Australian gold-mining experience. The precise terms of the D'Arcy contract bear little relation to those currently operative in the Near and Middle East oil-producing zone. Still, the 1901 model served as the prototype for later concessions in the region. The first commercial well in Persia was bored in 1908, and in the following year the Anglo-Persian Oil Company was formed in London to exploit the concession. S. H. Longrigg, *Oil in the Middle East,* chaps. 1–2; B. Shwadran, *The Middle East, Oil and the Great Powers,* chap. 2; R. F. Mikesell and H. B. Chenery, *Arabian Oil,* chap. 4; L. M. Fanning, *Foreign Oil and the Free World,* chap. 5; Staff Report to the Federal Trade Commission, *The International Petroleum Cartel* (U.S., 82d Cong., 2nd Sess., Senate, Select Committee on Small Business, Subcommittee on Monopoly, Committee Print No. 6; hereafter cited only by title), chap. 4; W. Litten, *Persien,* chap. 6; A. Zangueneh, *Le Pétrol en Perse,* pp. 79–94.

Between the Government of His Imperial Majesty the Shah of Persia, of the one part, and William Knox d'Arcy, of independent means, residing in London at No. 42, Grosvenor Square (hereinafter called "the Concessionnaire"), of the other part;

The following has by these presents been agreed on and arranged—viz.:

ART. 1. The Government of His Imperial Majesty the Shah grants to the concessionnaire by these presents a special and exclusive privilege to search for, obtain, exploit, develop, render suitable for trade, carry away and sell natural gas petroleum, asphalt and ozokerite throughout the whole extent of the Persian Empire for a term of

sixty years as from the date of these presents.

ART. 2. This privilege shall comprise the exclusive right of laying the pipe-lines necessary from the deposits where there may be found one or several of the said products up to the Persian Gulf, as also the necessary distributing branches. It shall also comprise the right of constructing and maintaining all and any wells, reservoirs, stations and pump services, accumulation services and distribution services, factories and other works and arrangements that may be deemed necessary.

ART. 3. The Imperial Persian Government grants gratuitously to the concessionnaire all uncultivated lands belonging to the State which the concessionnaire's engineers may deem necessary for the construction of the whole or any part of the above-mentioned works. As for cultivated lands belonging to the State, the concessionnaire must purchase them at the fair and current price of the province.

The Government also grants to the concessionnaire the right of acquiring all and any other lands or buildings necessary for the said purpose, with the consent of the proprietors, on such conditions as may be arranged between him and them without their being allowed to make demands of a nature to surcharge the prices ordinarily current for lands situate in their respective localities.

Holy places with all their dependencies within a radius of 200 Persian archines are formally excluded.

ART. 4. As three petroleum mines situate at Schouster, Kassre-Chirine, in the Province of Kermanschahan, and Daleki, near Bouchir, are at present let to private persons and produce an annual revenue of two thousand tomans for the benefit of the Government, it has been agreed that the three aforesaid mines shall be comprised in the Deed of Concession in conformity with Article 1, on condition that, over and above the 16 per cent mentioned in Article 10, the concessionnaire shall pay every year the fixed sum of 2,000 (two thousand) tomans to the Imperial Government.

ART. 5. The course of the pipe-lines shall be fixed by the concessionnaire and his engineers.

ART. 6. Notwithstanding what is above set forth, the privilege granted by these presents shall not extend to the provinces of Azerbadjan, Ghilan, Mazendaran, Asdrabad and Khorassan, but on the express condition that the Persian Imperial Government shall not grant to any other person the right of constructing a pipe-line to the southern rivers or to the South Coast of Persia.

ART. 7. All lands granted by these presents to the concessionnaire or that may be acquired by him in the manner provided for in Articles 3 and 4 of these presents, as also all products exported, shall be free of all imposts and taxes during the term of the present concession. All material and apparatuses necessary for the exploration, working and development of the deposits, and for the construction and development of the pipe-lines, shall enter Persia free of all taxes and Custom-House duties.

ART. 8. The concessionnaire shall immediately send out to Persia and at his own cost one or several experts with a view to their exploring the region in which there exist, as he believes, the said products, and, in the event of the report of the expert being in the opinion of the concessionnaire of a satisfactory nature, the latter shall immediately send to Persia and at his own cost all the technical staff necessary, with the working plant and machinery required for boring and sinking wells and ascertaining the value of the property.

ART. 9. The Imperial Persian Government authorises the concessionnaire to found one or several companies for the working of the concession.

The names' "statutes" and capital of the said companies shall be fixed by the concessionnaire, and the directors shall be chosen by him on the express condition that, on the formation of each company, the concessionnaire shall give official notice of such formation to the Imperial Government, through the medium of the Imperial Commissioner, and shall forward the "statutes", with information as to the places at which such company is to operate.

Such company or companies shall enjoy all the rights and privileges granted to the concessionnaire, but they must assume all his engagements and responsibilities.

ART. 10. It shall be stipulated in the contract between the concessionnaire, of the one part, and the company, of the other part, that the latter is, within the term of one month as from the date of the formation of the first exploitation company, to pay the Imperial Persian Government the sum of £20,000 sterling in cash, and an additional sum of £20,000 sterling in paid-up shares of the first company founded by virtue of the foregoing article. It shall also pay the said Government annually a sum equal to 16 per cent of the annual net profits of any company or companies that may be formed in accordance with the said article.

ART. 11. The said Government shall be free to appoint an Imperial Commissioner, who shall be consulted by the concessionnaire and the directors of the companies to be formed. He shall supply all and any useful information at his disposal, and he shall inform them of the best course to be adopted in the interest of the undertaking. He shall establish, by agreement with the concessionnaire, such supervision as he may deem expedient to safeguard the interests of the Imperial Government.

The aforesaid powers of the Imperial Commissioner shall be set forth in the "statutes" of the companies to be created.

The concessionnaire shall pay the Commissioner thus appointed an annual sum of £1,000 sterling for his services as from the date of the formation of the first company.

ART. 12. The workmen employed in the service of the company shall be subject to His Imperial Majesty the Shah, except the technical staff, such as the managers, engineers, borers and foremen.

ART. 13. At any place in which it may be proved that the inhabitants of the country now obtain petroleum for their own use, the company must supply them gratuitously with the quantity of petroleum that they themselves got previously. Such quantity shall be fixed according to their own declarations, subject to the supervision of the local authority.

ART. 14. The Imperial Government binds itself to take all and any necessary measures to secure the safety and the carrying out of the object of this concession of the plant and of the apparatuses, of which mention is made, for the purposes of the undertaking of the company, and to protect the representatives, agents and servants of the company. The Imperial Government having thus fulfilled its engagements, the concessionnaire and the companies created by him shall not have power, under any pretext whatever, to claim damages from the Persian Government.

ART. 15. On the expiration of the term of the present concession, all materials, buildings and apparatuses then used by the company for the exploitation of its industry shall become the property of the said Government, and the company shall have no right to any indemnity in this connection.

ART. 16. If within the term of two years as from the present date the concessionnaire shall not have established the first of the said companies authorised by Article 9 of the present agreement, the present concession shall become null and void.

ART. 17. In the event of there arising between the parties to the present concession any dispute or difference in respect of its interpretation or the rights or responsibilities of one or the other of the parties therefrom resulting, such dispute or difference shall be submitted to two arbitrators at Teheran, one of whom shall be named by each of the parties, and to an umpire who shall be appointed by the arbitrators before they proceed to arbitrate. The decision of the arbitrators or, in the event of the latter disagreeing, that of the umpire shall be final.

ART. 18. This Act of Concession, made in duplicate, is written in the French language and translated into Persian with the same meaning.

But, in the event of there being any dispute in relation to such meaning, the French text shall alone prevail.

103. THE BAGHDAD RAILROAD CONVENTION
5 March 1903

[Great Britain, *Parliamentary Papers, 1911,* Baghdad Railway No. 1, Cd. 5635, pp. 37–48]

As late as the 1880's Bismarck was still discouraging official promotion of German interests in the Ottoman Empire. Thus, in 1881 when Germany sent its first military mission to Istanbul, on the Sublime Porte's invitation, the elder chancellor insisted on the severance of official ties with the German government. All this changed upon the accession of Kaiser Wilhelm II in 1888. The basis for the change was economic. German industry had made such rapid strides by the turn of the century that it began to seek new markets, and the Ottoman Empire offered a logical outlet. Between 1886 and 1910 Germany jumped from fifteenth to second place in Ottoman foreign trade, outstripped only by England. Sultan 'Abdülhamid II espoused as a favored cause the Baghdad railroad scheme. He felt that the line, once in operation, would contribute to the economic development, unification, and defense of his Asian domains. Following a second visit to the Ottoman Empire late in 1898, Wilhelm II brought pressure to bear on the Deutsche Bank to promote the project as a German national interest, and the sultan issued a preliminary concession in 1899. The Deutsche Bank, however, limited its interest chiefly to the commercial side of the venture and invited the participation of banks of other nationality, especially those in Britain. The definitive concession, granted in 1903 to the Ottoman Anatolian Railroad Company, which was owned for the most part by the Deutsche Bank and by French investors, was never wholly executed. Yet the scheme has more than historic interest. The award of the contract intensified European rivalries in the Near and Middle East. The political importance of any undertaking as comprehensive as that of the projected Konya-to-Basrah railroad, sponsored and therefore ultimately dominated by Germany, could hardly fail to stir the suspicion and resentment of the entrenched powers. France sought to safeguard its status in Syria; Russia, its position along the Russo-Ottoman and Perso-Ottoman frontiers and at the straits—for the projected railroad would merely prolong one that was already linked with the German system; and Britain its commercial primacy in Ottoman Asia and its strategic primacy in the Persian Gulf. In the decade before World War I, European diplomacy, insofar as it encompassed the Near and Middle East, strove to adjust these differences. W. L. Langer, *The Diplomacy of Imperialism,* II, chap. 19; V. Chirol, *Middle Eastern Question,* chaps. 17–19; E. M. Earle, *Turkey, the Great Powers and the Bagdad Railway;* J. B. Wolf, *The Diplomatic History of the Bagdad Railroad;* M. K. Chapman, *Great Britain and the Bagdad Railway;* L. Ragey, *La Question du chemin de fer de Bagdad, 1893–1914;* K. Helfferich, *Georg von Siemens,* vol. 3, chaps. 2–7; B. Sitki, *Das Bagdad-Bahn Problem 1890–1903;* H. Holborn, *Deutschland und die Türkei 1878–1890,* chap. 2 (German background).

Between his Excellency Zihni Pasha, Minister of Commerce and Public Works, acting in the name of the Imperial Ottoman Government, of the first part; M. Arthur Gwinner, president of the board of directors, Dr. Kurt Zander, director-general, and M. Edouard Huguenin, assistant director-general of the Ottoman Anatolian Railway, acting in the name and on behalf of the Ottoman Anatolian Railway Company at Constantinople, of the second part, it has been decided as follows:—

ART. 1. The Imperial Ottoman Government grant the concession for the construction and working of an extension of the line from Konia to Bagdad and Busra, passing through, or as near as possible to, the towns of Karaman, Eregli, Kardash-Beli, Adana, Hamidieh, Osmanieh, Bagtcheb, Kazanali, Killis, Tel-Habesh, Harran, Ras-ul-Ain, Nisibin, Avniat, Mosul, Tekrit, Sadidjeh, Bagdad, Kerbela, Nedjef, Zobeir, and Busra, as well as the following branches:—

1. From Tel-Habesh to Aleppo.

2. From a neighbouring point on the main line, to be agreed upon, to Urfa.

The Imperial Ottoman Government will not grant a guarantee, under any form, for the construction of this branch line, about 30 kilom. in length, nor any appropriation

for working expenses, but the gross receipts of every description from the branch line shall belong exclusively to the concessionnaires.

3. From Sadidjeh to Khanikin.

4. From Zobeir to a point on the Persian Gulf to be agreed upon between the Imperial Ottoman Government and the concessionnaires, as well as everything appertaining to the said lines. The main line and its branches shall follow a route to be approved by the Imperial Ottoman Government—to the Ottoman Anatolian Railway Company on the following conditions:—

ART. 2. The duration of this concession shall be ninety-nine years. A similar period shall be adopted for the lines of Angora and Konia, and shall commence to run from the date of the issue of the firman and the exchange of the present convention.

As regards the new lines, this period of ninety-nine years shall commence to run separately for each section from the date on which the Imperial Government shall have issued the Government bonds to the concessionnaires in accordance with article 35 of the present convention.

ART. 3. These lines, taken collectively, are divided, as regards the submission of the final plans and designs, into sections of 200 kilom. in length. The concessionnaires shall, within three months from the date of the issue of the firman granting the concession and the exchange of the present convention and the specification (and after the conditions of article 35 have been fulfilled), submit to the Ministry of Public Works, after the survey has taken final shape, and in accordance with the terms of the specification full plans and designs of the first section of 200 kilom. in length, starting from Konia and passing through, or as near as possible to, Karaman and Eregli, *i.e.*, along the contemplated route of the Bagdad line. As regards the other sections, the plans and designs relating thereto shall be submitted within eight months from the date on which the concession for each section commences in pursuance of the provisions of article 35 which relate to each section.

The plans and designs must be examined by the Ministry, and, according to circumstances, approved as they stand, or modified if necessary, within three months from the date of their submission. After that period, if the Imperial Government have not notified their decision to the concessionnaires, the latter may consider the designs which they have submitted as having been approved, and they shall proceed to put the work in hand. If the Imperial Government introduce such modifications into the designs as will involve a delay of more than one month in the approval of the plans, the period allowed for construction shall be extended by a period equal to the delay caused by the examination of those modifications and approval of the plans.

The special assignments intended for the first section of 200 kilom. starting from Konia and passing through or as near as possible to Karaman and Eregli, are set forth in Annex I (Financial Convention),[1] which forms an integral part of the present convention.

ART. 4. The concessionnaires undertake to commence work on the first section, at their own expense, risk, and peril, within three months from the date of approval of the plans and designs of those first 200 kilom., and likewise to complete it not later than two years from that same date.

The concessionnaires undertake to commence work within three months from the date of approval of the plans and designs of the other sections, and to complete the whole of the lines and branches within eight years from the date of the issue of the firman and the exchange of the present convention. Notwithstanding, any period of delay in carrying out the terms of article 35, for any section, that is to say any period of delay in the issue of the bonds by the Imperial Government to the concessionnaires, shall be added to the said period of eight years. The works must be carried out in accordance with standard practice and the terms of the annexed specifications, as well as with the approved plans and designs; notwithstanding, in case of *vis major*, the periods for completion shall be ex-

[1] Not reproduced.

tended by a period equal to that of the interruption of the work, provided that the concessionnaires immediately notify the local authorities as well as the Ministry of Public Works.

The term *vis major* shall be understood to include the case of a war between European Powers, as also a radical change in the financial situation of Germany, England, or France.

ART. 5. The Ministry of Public Works shall control the works by one or more commissioners both during execution, on completion of the works, and before their reception. This control shall likewise apply to the working of the line and the maintenance of the works during the period of concession.

The concessionnaires shall deposit each year, to the order of the Ministry of Public Works, and in respect of expenses of control, a sum of 270 gold piastres per kilometre, payable monthly, from the date fixed for the commencement of the works until the termination of the concession.

ART. 6. The enterprise being of public utility, land necessary for the building of the railway and everything appertaining thereto, quarries, and gravel-pits for balast necessary for the railway and belonging to private persons shall be taken over in accordance with the law on expropriation, whenever it has not proved possible to come to an understanding between the concessionnaires and the owners for the purchase of such land.

The Government shall expropriate and hand over to the concessionnaires land necessary for the building of the line and everything appertaining thereto after the location of the railway has been approved and staked out. The land shall be handed over by the Government within two months.

The land necessary for temporary occupation during the work shall be handed over to the concessionnaires by the local authorities on condition that the former shall indemnify the owners.

If in the said land necessary for the building of the railway and everything appertaining thereto there should be land called Arazii-Emirei-Halie, it shall be handed over free of charge to the concessionnaires.

If within a zone 15 kilom. each side of the railway there should be land called Arazii-Emirei-Halie which contains quarries and gravel-pits for ballast, the concessionnaires may work them free of charge, during the period of construction, provided that they close them down on the completion of the work; should the concessionnaires desire to make use of these quarries and gravel-pits during the period of working they shall conform to the regulations governing the matter and pay the specified royalty.

The temporary occupation of such land during the work of construction shall likewise be granted to them free of charge.

ART. 7. The railway shall be built for a single line; but land shall be acquired in view of the construction of a second line. As soons as the gross kilometric receipts shall have reached 30,000 fr. per annum, the Imperial Government shall have the right to demand the construction of the second line which the concessionnaires will be bound to build at their own expense.

ART. 8. Manufactured material for the permanent way and the materials, iron, wood, coal, engines, carriages and waggons, and other stores necessary for the initial establishment as well as the general enlargement and development of the railway and everything appertaining thereto which the concessionnaires shall purchase in the Empire or import from abroad shall be exempt from all inland taxes and customs duties. The exemption from customs duties shall also be granted for the coal necessary for working the line which is imported from abroad by the concessionnaires until the gross receipts of the line and its branches reach 15,500 fr. per kilometre. Likewise, during the entire period of the concession the land, capital, and revenue of the railway and everything appertaining thereto shall not be taxed, neither shall any stamp duty be charged on the present convention or on the specification annexed thereto, the additional conventions, or on any subsequent instruments, or for the service of the

Government bonds to be issued; nor on the amounts encashed by the concessionnaires on account of the guarantee for working expenses, nor shall any duty be levied on their shares, preference shares, and bonds, nor on the bonds which the Imperial Ottoman Government shall issue to the concessionnaires.

The concessionnaires shall be liable to stamp duty for all their transactions other than those for which exemption is granted to them in the present article.

The concessionnaires shall form an Ottoman joint-stock company, under the name of "Imperial Ottoman Bagdad Railway Company," which shall take the place of the Ottoman Anatolian Railway Company in all that concerns the new line from Konia to the Persian Gulf with its branches, and which shall be governed by the annexed statutes.

The Ottoman Anatolian Railway Company undertakes never to cede or transfer to any other company the existing lines from Haidar-Pasha to Angora and to Konia.

The Imperial Ottoman Bagdad Railway Company which will be formed undertakes likewise not to cede or transfer the lines to be constructed from Konia to Bagdad and to Busra and their branches.

ART. 9. The building and other materials necessary for the construction and working of this line and its branches, as also the officials and workmen, shall be conveyed, but only during the period of construction and under the supervision of the Ministry of Marine, on the Shatt-el-Arab, the Tigris, and Euphrates, in steam or sailing ships, or other craft which shall be acquired or hired by the company.

Material thus conveyed shall be exempt from customs duty, taxes, &c.

ART. 10. The wood and timber necessary for the construction and working of the railway may be cut in the forests of the neighbouring districts which belong to the State, in accordance with the regulations relating thereto.

ART. 11. As soon as the concessionnaires shall have notified to the Ministry of Public Works the completion of the work on one section the latter shall cause an inspection of the works already completed to be made by a technical commission appointed for that purpose, and shall accept them provisionally if approved; one year after they have been provisionally passed, a second inspection of the works shall be made by a technical commission, and, should it be reported that the works have been carried out in accordance with standard practice and the terms of the specification, the Ministry of Public Works shall pronounce their final acceptance as a result of the commission's report.

The concessionnaires shall have the right to open the lines to traffic in successive sections after they have been accepted provisionally. The length of the completed sections, from Konia, Adana, Bagdad, Busra, as also from the different intermediate points, shall be at least 40 kilom. and shall finish at a station.

ART. 12. Should the Imperial Government decide upon the construction of branches joining the railway which forms the subject of this convention with the sea at a point situated between Mersina and Tripoli in Syria, they shall grant the concession for the said branches exclusively to the concessionnaires, provided, however, that the rights already granted to the Damascus-Hamah Railway Company and extensions are safeguarded.

Notwithstanding, should the concessionnaires, within a maximum period of one year from the date of the notification made to them by the Imperial Government, not agree to construct the branch or branches in question in accordance with the clauses and terms of the present concession, or, having agreed to do so, fail to execute them within the time agreed on by the Imperial Government and the concessionnaires, the latter shall forfeit all rights to the said branches, and the Imperial Government may grant the concession for them to third parties.

The concessionnaires shall, further, have the preferential right on equal terms to construct the following branches:—

(*a.*) Towards Marash.

(*b.*) Towards Aintab.

(*c.*) Towards Birijik.

(*d.*) Towards Mardin.

(*e.*) Towards Erbil.

(*f.*) From the Diala towards Salakié and Tuz-kharmati.

(*g.*) From El-Badj to Hit.

This preferential right for the seven branches specified above is dependent for its validity on the following conditions:—

Should the Imperial Government decide definitely to grant the concession of one of these branches to third parties, the concessionnaires shall be obliged, within nine months from the date of the notification made to them by the Ministry of Commerce and Public Works, to inform the Imperial Ottoman Government whether they desire to take up that concession upon the conditions accepted by the third parties mentioned above.

ART. 13. The concessionnaires shall have the right to establish and work tile and brick works on the line with the permission of the local authorities. Machinery and tools for the use of the said works shall enjoy the same exemption as that granted to the material and tools for the railway. The coal consumed in those works shall be exempt from customs duty.

The works shall revert free of charge to the State on the expiration of the concession.

ART. 14. During the entire period of the concession, the concessionnaires shall be bound at their own expense to maintain in perfect condition the railway and everything appertaining thereto, as well as its fixtures and rolling stock, in default of which the procedure provided for by article 16 of the specifications shall be adopted.

ART. 15. The concessionnaires are bound to conform, as regards the policing and safety of the line, to the laws and regulations now in force, or to be enacted hereafter in the Ottoman Empire.

The Imperial Government shall take all necessary measures for the maintenance of order along the line and in the construction yards.

In the case of interruption of the traffic on part or whole of the line through the fault of the concessionnaires, the Imperial Government shall take, at the expense, risk, and peril of the concessionnaires, all necessary steps in accordance with article 16 of the specification with a view to ensuring the temporary working of the line.

ART. 16. The concessionnaires shall have the right to levy tolls in accordance with the tariff of the specification from the date on which each section of the railway is provisionally accepted until the expiration of the concession.

ART. 17. The transport of officers and men, both naval and military, travelling collectively or separately, whether in time of war or peace, as well as that of war material and stores, prisoners and convicts, State officials, and mails, shall be effected in accordance with the terms of Chapter V of the specification.

ART. 18. As guarantee for the fulfilment of the present engagements the concessionnaires shall, within three months from the day on which they receive official notice of the issue of the firman granting the concession, deposit as security in a bank at Constantinople, approved by the Government, a sum of £T. 30,000 either in cash or Government bonds, or the bonds of an Ottoman joint-stock company, or else guaranteed by the State at the current price.

If the deposit is made in bonds the bank shall obtain an undertaking that any deficiency caused by a fall in the price shall be made good. Immediately after the deposit of the security the firman granting the concession shall be issued to the concessionnaires.

The security shall be returned only when the works have been finally accepted and in proportion to the length of the sections opened to traffic; if within the three months above mentioned the concessionnaires do not make the said deposit, they shall, without any previous summons, forfeit all concession rights.

In the event of it proving impossible to carry out the terms of article 35, the concessionnaires shall have the right to recover their security without any formality or obligation to ask the previous consent of the Government.

ART. 19. The Imperial Ottoman Government reserve the right of withdrawing at

.ny time the concession of the line from Konia to Busra and branches on payment to the concessionnaires, for the remaining period of the concession, of an annual sum equivalent to 50 per cent. of the average gross receipts for the five years preceding the year in which the concession is withdrawn, provided always that the said annual sum is not less than 12,000 fr. per kilometre. In this case the Imperial Ottoman Government shall repay in one payment the whole of the Government bonds issued to the concessionnaires which have not been previously redeemed, and from the annual sum to which, under the present article, the concessionnaires are entitled there shall be deducted the annuity of the said loans, viz., 11,000 fr. per kilometre. The Government shall guarantee to the concessionnaires the regular payment at the specified periods of the balance due to them on account of the withdrawal of the concession, which shall form the subject of a special convention.

The lines and everything appertaining thereto shall then be handed over to the Government, and the Government shall then proceed to purchase the existing rolling stock and fixtures, materials, and stores, in accordance with article 19 of the specification.

In the event of the concession for the railway being withdrawn, and should the Imperial Government not deem it desirable to work it through their own officials, they shall not grant the right of working it to another company, but undertake to cause it to be worked on lease by the concessionnaires.

ART. 20. On the expiration of the concession for each section the Imperial Government shall acquire all rights of the concessionnaires over the railway and everything appertaining thereto, as well as in regard to plant and materials, and shall become entitled to all the proceeds derived therefrom.

The lines and everything appertaining thereto shall be handed over free of all debt and liability to the Imperial Government, and the latter shall effect the purchase of plant and stores in accordance with article 20 of the specification.

ART. 21. The railway employés and officials shall wear the uniform approved and adopted by the Imperial Government; they shall all wear the fez, and shall as far as possible be selected among Ottoman subjects.

Five years after the date of the opening of each section to traffic the whole of the executive working staff, except the higher officials, shall be exclusively composed of Ottoman subjects.

ART. 22. The concessionnaires may work any mines which they shall discover within a zone of 20 kilom. each side of the middle of the line, provided that they conform with the laws and regulations relating thereto, but this shall not give them a privilege or monopoly.

They may likewise cut wood in the forests adjoining the line, either for timber or for charcoal, on application to the competent authorities and if they conform to the regulations governing the matter.

ART. 23. The concessionnaires shall have the right to build at their own expense at Bagdad, Busra, and at the terminus of the branch from Zobeir, harbours with all necessary arrangements for bringing ships alongside the quay and for the loading, unloading, and warehousing of goods.

The plan of these harbours shall be submitted within eight years at the latest from the date of exchange of the present convention, and the works on each harbour shall be finished within twelve years at the latest from the date at which the work is begun on the section adjacent to each harbour respectively.

A scale of tariffs shall be annexed to the plans.

These three ports shall form an integral part of the railway, and the net receipts derived therefrom shall be carried to the account of the gross receipts of the railway.

On expiration of the concession these harbours and everything appertaining thereto shall revert free of charge to the State.

Should the concessionnaires fail to construct any one of these harbours within the above-mentioned period, the Imperial Government shall be entitled to grant the concession to third parties.

In any case the concessionnaires may during the period of construction of the railway establish at these three points, as well as at the port of Kostambul, temporary structures for the unloading of materials for the railway.

These structures shall, if the Imperial Government require it, be demolished on the completion of the works.

ART. 24. The concessionnaires shall be entitled to set up and open, wherever the need is felt, on the land belonging to the railway depôts and warehouses which shall be available for use by the public.

These depôts, warehouses, and other plant shall become the property of the Government on the expiration of the concession in accordance with article 20 of the specification.

The Government shall have a share of 25 per cent. in the net receipts of these depôts and warehouses.

ART. 25. The concessionnaires shall be entitled to use on the lines free of charge natural hydraulic power, the right of using which is not already appropriated, or which will be created, for the purpose of generating electricity for the driving of trains, for their lighting, or for other purposes in the working of the railway. The plans and designs of the works which are to be carried out for this purpose shall be submitted for the approval of the Ministry of Commerce and Public Works.

Should use be made of this electric power, 50 per cent. of the savings under this head in the working expenses shall be carried to the credit of the Imperial Ottoman Government.

All plant of this kind shall revert free of charge to the State on the expiration of the concession.

ART. 26. The Government shall be entitled to construct at their own expense entrenchments and works of defence on the points of the main line or its branches and wherever they shall deem it necessary.

ART. 27. Works of art and antiquities discovered during construction shall be subject to the regulations relating thereto.

Nevertheless the concessionnaires shall be exempt from the formality of presenting an application and obtaining permission for research.

ART. 28. The concessionnaires shall be bound to submit to the Ministry of Public Works a monthly statement of all receipts; these statements shall be drawn up in the manner prescribed by article 17 of the specification.

ART. 29. The railway being considered as divided into sections of 200 kilom. in length, should the concessionnaires, except in an established case of *vis major*, not have commenced the works within the appointed time, or should they not complete the work on one section within the appointed time or should they interrupt the traffic, or should they not, on any one section, fulfil the other principal engagements under the present convention, the Imperial Government shall issue a summons to the concessionnaires stating the undertakings which remain to be fulfilled by them, and should they within a period of eighteen months from the date of the summons not have taken such steps as are necessary, they shall forfeit their concessionary rights for every section of the line in regard to which they shall have been found in default, and procedure provided for by article 18 of the specification shall be adopted.

It is agreed that, so long as the main line between Konia and Bagdad is not entirely completed, the concessionnaires may not open to traffic the parts of the line from Bagdad to Busra which they may have constructed.

During the period in which the sections between Bagdad and Busra are not open to traffic the concessionnaires shall refund to the Imperial Government, at the dates when the annual instalments fall due, the annuity of 11,000 fr. per kilometre for interest on and redemption of the bonds which the Imperial Government shall have issued to them for the said sections, and they shall not, of course, receive anything on account of working expenses; but these clauses do not in any way prejudice the other rights of the concessionnaires on the line from Bagdad to Busra.

The forfetiure of the concession for one or several sections of the railway shall not

prejudice the rights of the concessionnaires as regards the remaining sections of the new lines, nor as regards the whole of the old lines.

ART. 30. The concessionnaires shall construct free of charge at the points selected by the Government the necessary premises for the offices of the Imperial Railway Commissioners and of the customs, postal, and police officials.

The concessionnaires shall construct at important stations, after arrangement with the Ministry of Commerce and Public Works, two rooms with water-closet for the postal service.

ART. 31. The concessionnaires may instal at their own expense on the whole extent of the line telegraph poles and wires; this line shall not be used for private correspondence which has no connection with the working of the railway.

The Imperial Government reserve to themselves the right of control at all times by inspectors appointed by the Ministry of Posts and Telegraphs of all telegraphic correspondence carried over the wires of the company.

The Government shall be entitled to make use of the poles belonging to the railway for the erection of one or, if necessary, two telegraphic wires, and the poles on the railway shall be erected so that they are capable of supporting these two additional wires, as well as those of the company. In case of need the Government shall have the right of erecting, at their own expense, other poles throughout the extent of the line or, in case of breakage or interruption of their lines, placing telegraphists in the stations for the transmission of important and urgent official telegrams on the telegraph lines of the railway, provided always that the railway service is not obstructed.

ART. 32. The concessionnaires shall be entitled to convey by their own means of transport and without paying any tax to the postal administration of the Empire correspondence and bags concerning exclusively the railway service; but on condition that they shall submit them, according to rule, to the control of the officials of the postal administration. Private letters of the staff shall be subject to postage. The concessionnaires shall only carry letters of this nature on their lines on condition that they comply with the terms of the inland postal regulations in force within the Empire. They shall also be entitled to carry free of charge stores, such as coal, lubricants, and materials and plant required for the construction, maintenance, and working of the railway, both on the existing lines and on those lines which form the subject of the present convention.

ART. 33. The Imperial Government undertake that the service of the line connecting Haïdar-Pasha with Sirkedji and the bridge of Karakeuï shall be carried on by the Mahsoussé Administration, by means of three new boats, of an average service speed of at least 14 miles (of 1,855 metres) per hour.

If within one year from the date of exchange of the present convention the Mahsoussé Administration should not organise the service under the above-mentioned conditions, the concessionnaires shall have the right to carry passengers and goods between the two points, provided that they select the crews of these boats from retired officers and men of the Imperial fleet, or from cadets of the Imperial Naval School who are eligible for commissions.

The boats of the concessionnaires shall carry on their service in the place and instead of those of the Mahsoussé Company while being exclusively appropriated to the said transport service, and the concessionnaires shall pay yearly to that administration a sum equal to 5 per cent. of the gross receipts derived from the transport of passengers and goods carried on by them between the above-mentioned points.

From the balance of the gross receipts there shall be deducted:—

1. Working expenses;

2. An annuity of 8.30 per cent. of the initial capital appropriated to the acquisition of boats; after deduction of the said sums, the remainder shall be carried to the account of the gross receipts of the new guaranteed lines.

The amount of initial capital shall be

determined after the boats have been purchased.

It is understood that if the gross receipts of one year do not allow of the abovementioned expenses being met the company shall have no claim upon the Imperial Government.

It may, however, make good the deficit from the receipts of the following years.

The boats of the concessionnaires, being considered as a section of the Mahsoussé, shall enjoy the same rights as the latter.

ART. 34. The concessionary company and the company about to be formed by it being Ottoman joint-stock companies. all disputes and differences which may arise, either between the Imperial Government and the concessionnaires or the company, or between the concessionnaires or the company and private persons, as a result of the execution or interpretation of the present convention and the specification attached thereto, shall be carried before the competent Ottoman courts.

The new company, being Ottoman, must correspond with the State departments in the Turkish language, which is the official language of the Imperial Ottoman Government.

ART. 35. The Imperial Government guarantee to the concessionnaires an annuity of 11,000 fr. per kilometre constructed and worked, and also a contract sum of 4,500 fr. per annum for working expenses in respect of each kilometre worked.

This annuity of 11,000 fr. shall be met by an Ottoman State loan bearing interest at 4 per cent., with a sinking fund of 0.087538 per cent., redeemable during the period of the concession. Consequently the concessionnaires will be entitled to a nominal sum of 269,110 fr. 65 c. of this State loan for each kilometre constructed and opened to traffic, and the concessionnaires shall be debarred from demanding other amounts on this head from the Imperial Ottoman Government.

The total nominal amount of Government bonds accruing to the concessionnaires by the terms of the foregoing arrangement shall be issued to them by the Imperial Ottoman Government on the signature of each special convention for each section; but the concessionnaires shall make good to the Imperial Ottoman Government the sums which the latter have paid during the period of construction for the service of the bonds issued to the concessionnaires, viz., till the date on which each section of the railway is provisionally accepted. These sums shall be placed by the concessionnaires in the hands of the Public Debt for the account of the Imperial Ottoman Government.

The Imperial Government reserve the right of modifying at any moment the system of payment of the kilometric annuity of 11,000 fr. fixed in the first paragraph of the present article, after redemption of the bonds issued in respect of the said annuity.

As soon as the growth of the traffic and receipts and the financial situation permit the issue by the concessionnaires themselves of bonds of their own to replace the Government bonds which have been issued to them by the Imperial Government, the concessionnaires shall come to an agreement with the Imperial Government for the purpose of carrying out this arrangement.

For the first section of 200 kilom. beyond Konia the face value of the bonds to be issued by the Imperial Ottoman Government to the concessionnaires is fixed at 54,000,000 fr. But as soon as this section is finally accepted and the length of the completed line is fixed, the exact nominal value of the bonds accruing to the concessionnaires for that section shall be calculated at the rate of 269,110 fr. 65 c. per kilometre. Any surplus over this nominal amount shall be calculated at the issue price, plus interest at 4 per cent. accrued up to the date of payment, and the sum thus ascertained shall be paid in cash by the concessionnaires into the Imperial Treasury. The calculation shall be made at a minimum of 81½ per cent.

The Ottoman Anatolian Railway Company guarantees to the Imperial Ottoman Government the construction of the aforesaid first section of 200 kilom. until the work on this section is completed.

In the event of the Imperial Ottoman Government deeming it necessary, they

may also require the Ottoman Anatolian Railway Company to guarantee other sections, and the Ottoman Anatolian Railway Company shall have the right so to do.

The contract sum of 4,500 fr. per annum for working expenses in respect of each kilometre opened to traffic will be guaranteed to the concessionnaires by a special convention for each section simultaneously with the convention regulating the annuity of 11,000 fr.

As regards the first section of 200 kilom. beyond Konia, the above-mentioned contract sum of 4,500 fr. per kilometre per annum is secured to the concessionnaires on the surplus of the guarantees already assigned to the lines of the Ottoman Anatolian Railway Company.

The service of the Government bonds which are to be issued for the aforesaid kilometric annuity of 11,000 fr. shall be secured on the special appropriations agreed on with the Imperial Government before work is begun on each section.

The Imperial Ottoman Bagdad Railway Company, on its part, further pledges, irrevocably and inalienably, to the holders of the said bonds the line from Konia to the Persian Gulf and its branches with their rolling stock. Similarly, and for the same purpose, it assigns its share in the receipts from this line after payment of the working expenses, but the bondholders shall not be entitled to intervene in the administration of the company.

The aforesaid share of the receipts, after deducting working expenses—both the said share and the amount of expenses to be determined by the company's books—shall be paid annually, if need be, by the company to the Administration of the Ottoman Public Debt for the service of the bonds. The Imperial Ottoman Government shall refund to the company any sums that the latter may have supplied under this head for the service of the bonds issued. The Imperial Ottoman Government further assign, irrevocably and inalienably, to the holders of the aforementioned Government bonds their share of the gross receipts of the said line.

If the gross kilometric receipts of the line exceed 4,500 fr. but do not exceed 10,000 fr., the surplus above 4,500 fr. shall belong entirely to the Government.

If the gross kilometric receipts exceed 10,000 fr., the portion up to 10,000 fr. being always divided as stated above, 60 per cent. of the surplus over and above the 10,000 fr. shall pass to the Imperial Government, and 40 per cent. to the Company.

It is agreed that if the gross kilometric receipts do not reach 4,500 fr. the sum required to make good the deficiency in this amount shall be paid to the concessionnaires by the Government at the same time as the annuity of 11,000 fr. from the special assignments to be agreed on between the Imperial Government and the concessionnaires before the fulfilment by the concessionnaires of the clauses of the present convention relative to each section.

The above assignments shall be collected and paid through the agency of the Administration of the Ottoman Public Debt.

As regards the Government bonds to be issued for the construction of the different sections of the railway, the receipts accruing to the Imperial Government shall be pooled in such a manner that the amount available shall be assigned to the whole of the said bonds in proportion to the original nominal value of each issue.

Immediately after the payment of the coupons and the sinking fund of the Government bonds issued, the surplus of the receipts accruing to the Imperial Ottoman Government shall be paid to the latter annually after the completion of the formalities provided for by article 40 of the present convention.

ART. 36. For the purpose of determining the average of the kilometric receipts of the new Bagdad lines, all the receipts from every portion of the new lines, together with the net receipts referred to in articles 23 and 33 of the present convention, shall be pooled as and when the new lines are opened to traffic.

The average of the gross kilometric receipts thus obtained shall serve as the basis for ascertaining the total of the sums to be paid in accordance with article 35.

ART. 37. The concessionnaires undertake

to carry out at their own expense all the improvements on the old lines from Haidar-Pasha to Angora and Eskishehr to Konia required for the introduction of an express train service, but the expenditure involved shall not exceed a sum of 8,000,000 fr.

In return for this expenditure and for the new extraordinary charges for working expenses involved in the introduction of the express train service, the Imperial Government assign to the concessionnaires—

1. An annuity of 350,000 fr. for thirty years for interest and sinking fund in respect of the capital sum of 8,000,000 fr. mentioned above.

This annuity shall be paid from the commencement of the works of improvement.

2. An annuity of 350,000 fr. for the establishment of the express trains.

This latter annuity shall not become payable till the main line reaches Aleppo.

The annuities provided for in the present article shall be paid to the Ottoman Anatolian Railway Company out of the existing assignments for the guarantees of the old railway system and in the same manner as the latter.

ART. 38. The concessionnaires undertake to construct and work, as soon as the Imperial Government shall require them to do so, on the conditions of the present convention, a branch line starting from the Konia-Busra line and ending at Diarbekr and Kharput.

ART. 39. The proposed junction of the Damascus-Hamah line and its extensions with the railway system forming the subject of the present convention shall take place at Aleppo.

ART. 40. The concessionnaires shall submit to the Ministry of Public Works, in the course of the month of January of each year, an account of the receipts, after it has been audited and approved by the Imperial Commission, and this shall be the basis on which the sums accruing to the Imperial Government and the company shall be determined in conformity with article 35 of the present convention.

As soon as the amount of the Government's share of these receipts is determined, the Imperial Ottoman Bagdad Railway Company shall remit it to the Administration of the Ottoman Public Debt for the account of the service of the Government bonds, and the latter shall deliver in cash to the Imperial Government any surplus which remains available over and above the sums required for the payment of the coupon which matures on the 1st July of the current financial year.

The Imperial Government, on their part, undertake to inform the Administration of the Public Debt within two months of the presentation of the account of receipts for a financial year of the amount of the sums acknowledged to be due to the company for immediate payment.

ART. 41. The concessionnaires shall have the right to establish between Hamidieh and the port of Kostambul a temporary branch line for the transport of the plant and materials required for the railway. It is nevertheless understood that after the completion of the works which form the subject of the present convention the concessionnaires shall, if the Imperial Government signify their demand for it, have to remove the rails from this temporary branch line.

It is understood that during this temporary working the Imperial Government will not pay either annuity or working expenses for the said branch line.

ART. 42. The land and the quarries which are expropriated in virtue of article 6 of the present convention shall be such area as is strictly necessary for the works of the railway and everything appertaining thereto, and may not be of greater extent. The expropriations shall be carried out under the supervision of the Ministry of Public Works.

ART. 43. All the plant and materials required for the construction of the new lines and everything appertaining thereto referred to in article 8 of the convention, being free of all taxes and customs duties, shall, on arrival, be inspected in the usual manner by the Customs officials.

ART. 44. The stores and warehouses to be constructed on the station premises in accordance with article 24 of the conven-

tion shall be used only for the storage of goods to be transported.

Such warehouses and stores shall be built in accordance with designs which will be submitted by the concessionnaires and approved by the Ministry of Public Works.

ART. 45. The concessionnaires must erect, at their own expense and up to a total outlay of 4,000,000 fr., such military stations as may be deemed necessary by the Ministry of War. The number, the site, and the arrangements of these military stations and everything appertaining thereto shall be settled by agreement between the concessionnaires and the Ministry of War.

ART. 46. The concessionnaires undertake to pay annually a sum of £T. 500 to the Poorhouse as soon as the main line is opened to traffic.

104. DECLARATION ON EGYPT AND MOROCCO: THE UNITED KINGDOM AND FRANCE
4 April 1904

[Great Britain, *Treaty Series, 1911,* No. 24, Cd. 5969]

After the British occupation of Egypt, Anglo-French relations deteriorated. France continued to needle England to set a definite date for the evacuation of its forces from the khediviate. But Britain came to view its occupation, originally conceived as provisional, as having, "under the force of circumstances, acquired a character of permanency. It would therefore, as between Great Britain and France, be understood that the period of its duration should be left entirely to the discretion of His Majesty's Government" (G. P. Gooch and H. Temperley, *British Documents on the Origins of the War,* vol. 2, p. 313). This formula, used by Foreign Secretary Lord Lansdowne on 1 October 1903 in reply to a French overture for an adjustment of differences in North Africa, provided a basis for negotiations that eventuated in the 1904 declaration. Britain adhered (article 6) to the 1888 Suez Canal convention (Doc. 93), on condition that the international supervisory commission for the execution of the convention (article 8) should not function for the duration of the British occupation. Before the end of 1904, Germany, Russia, Italy, and Austria gave assurances not to press for British withdrawal from Egypt and accepted the British reservation on the 1888 convention. The secret articles of the 1904 Anglo-French declaration were not released until the Agadir crisis of 1911. Omitted below is a khedivial decree, annexed to the 1904 agreement, on the administration and liquidation of the Egyptian debt. C. W. Hallberg, *Suez Canal,* chap. 17; C. de Freycinet, *La Question d'Égypte,* 421–47; G. P. Gooch, *Before the War,* vol. 1, pp. 34–51; H. Nicolson, *Portrait of a Diplomatist,* chap. 6; *The Cambridge History of British Foreign Policy,* vol. 3, pp. 305–18; Lord Newton, *Lord Lansdowne,* chap. 10; A. Tardieu, *France and the Alliances,* chap. 2; L. Albertini, *The Origins of the War of 1914,* vol. 1, pp. 145–51; S. B. Fay, *The Origins of the World War* (2nd ed.), vol. 1, pp. 152–68.

ART. 1. His Britannic Majesty's Government declare that they have no intention of altering the political status of Egypt.

The Government of the French Republic, for their part, declare that they will not obstruct the action of Great Britain in that country by asking that a limit of time be fixed for the British occupation or in any other manner, and that they give their assent to the draft Khedivial Decree annexed to the present arrangement,[1] containing the guarantees considered necessary for the protection of the interests of the Egyptian bondholders, on the condition that, after its promulgation, it cannot be modified in any way without the consent of the Powers signatory of the Convention of London of 1885.

It is agreed that the post of Director-General of Antiquities in Egypt shall continue, as in the past, to be entrusted to a French *savant.*

The French schools in Egypt shall continue to enjoy the same liberty as in the past.

ART. 2. The Government of the French

[1] For text of this draft Decree and correspondence relating to the Declaration, see *Treaty Series, No. 6* (1905), [Cd. 2384].

Republic declare that they have no intention of altering the political status of Morocco.

His Britannic Majesty's Government, for their part, recognise that it appertains to France, more particularly as a Power whose dominions are conterminous for a great distance with those of Morocco, to preserve order in that country, and to provide assistance for the purpose of all administrative, economic, financial, and military reforms which it may require.

They declare that they will not obstruct the action taken by France for this purpose, provided that such action shall leave intact the rights which Great Britain, in virtue of treaties, conventions, and usage, enjoys in Morocco, including the right of coasting trade between the ports of Morocco, enjoyed by British vessels since 1901.

ART. 3. His Britannic Majesty's Government, for their part, will respect the rights which France, in virtue of treaties, conventions, and usage, enjoys in Egypt, including the right of coasting trade between Egyptian ports accorded to French vessels.

ART. 4. The two Governments, being equally attached to the principle of commercial liberty both in Egypt and Morocco, declare that they will not, in those countries, countenance any inequality either in the imposition of customs duties or other taxes, or of railway transport charges.

The trade of both nations with Morocco and with Egypt shall enjoy the same treatment in transit through the French and British possessions in Africa. An agreement between the two Governments shall settle the conditions of such transit and shall determine the points of entry.

This mutual engagement shall be binding for a period of thirty years. Unless this stipulation is expressly denounced at least one year in advance, the period shall be extended for five years at a time.

Nevertheless, the Government of the French Republic reserve to themselves in Morocco, and His Britannic Majesty's Government reserve to themselves in Egypt, the right to see that the concessions for roads, railways, ports, &c., are only granted on such conditions as will maintain intact the authority of the State over these great undertakings of public interest.

ART. 5. His Britannic Majesty's Government declare that they will use their influence in order that the French officials now in the Egyptian service may not be placed under conditions less advantageous than those applying to the British officials in the same service.

The Government of the French Republic, for their part, would make no objection to the application of analogous conditions to British officials now in the Moorish service.

ART. 6. In order to ensure the free passage of the Suez Canal, His Britannic Majesty's Government declare that they adhere to the stipulations of the treaty of the 29th October, 1888, and that they agree to their being put in force. The free passage of the Canal being thus guaranteed, the execution of the last sentence of paragraph 1 as well as of paragraph 2 of article 8 of that treaty will remain in abeyance.

ART. 7. In order to secure the free passage of the Straits of Gibraltar, the two Governments agree not to permit the erection of any fortifications or strategic works on that portion of the coast of Morocco comprised between, but not including, Melilla and the heights which command the right bank of the River Sebou.

This condition does not, however, apply to the places at present in the occupation of Spain on the Moorish coast of the Mediterranean.

ART. 8. The two Governments, inspired by their feeling of sincere friendship for Spain, take into special consideration the interests which that country derives from her geographical position and from her territorial possessions on the Moorish coast of the Mediterranean. In regard to these interests the French Government will come to an understanding with the Spanish Government.

The agreement which may be come to on the subject between France and Spain shall be communicated to His Britannic Majesty's Government.

ART. 9. The two Governments agree to afford to one another their diplomatic support, in order to obtain the execution of the

clauses of the present Declaration regarding Egypt and Morocco.

SECRET ARTICLES

ART. 1. In the event of either Government finding themselves constrained, by the force of circumstances, to modify their policy in respect to Egypt or Morocco, the engagements which they have undertaken towards each other by articles 4, 6, and 7 of the Declaration of to-day's date would remain intact.

ART. 2. His Britannic Majesty's Government have no present intention of proposing to the Powers any changes in the system of the Capitulations, or in the judicial organisation of Egypt.

In the event of their considering it desirable to introduce in Egypt reforms tending to assimilate the Egyptian legislative system to that in force in other civilised countries, the Government of the French Republic will not refuse to entertain any such proposals, on the understanding that His Britannic Majesty's Government will agree to entertain the suggestions that the Government of the French Republic may have to make to them with a view of introducing similar reforms in Morocco.

ART. 3. The two Governments agree that a certain extent of Moorish territory adjacent to Melilla, Ceuta, and other *présides* should, whenever the Sultan ceases to exercise authority over it, come within the sphere of influence of Spain, and that the administration of the coast from Melilla as far as, but not including, the heights on the right bank of the Sebou shall be entrusted to Spain.

Nevertheless, Spain would previously have to give her formal assent to the provisions of articles 4 and 7 of the Declaration of to-day's date, and undertake to carry them out.

She would also have to undertake not to alienate the whole, or a part, of the territories placed under her authority or in her sphere of influence.

ART. 4. If Spain, when invited to assent to the provisions of the preceding article, should think proper to decline, the arrangement between France and Great Britain, as embodied in the Declaration of to-day's date, would be none the less at once applicable.

ART. 5. Should the consent of the other Powers to the draft Decree mentioned in article 1 of the Declaration of to-day's date not be obtained, the Government of the French Republic will not oppose the repayment at par of the Guaranteed, Privileged, and Unified Debts after the 15th July, 1910.

105. ANGLO-RUSSIAN CONVENTION ON PERSIA, AFGHANISTAN AND TIBET

18/31 August 1907

(Ratifications exchanged, St. Petersburg, 10/23 September 1907; denounced by Russia, 14 January 1918)

[Great Britain, *Treaty Series, 1907,* No. 34, Cd. 3753]

The Russo-Japanese War of 1904–05 interrupted exploratory negotiations between the United Kingdom and Russia for composing their differences in Central Asia. Once the talks were concretely resumed in the late spring of 1906, military defeat and internal unrest had rendered the tsarist regime's mood more pliant. Common fears of Germany's expansionist activities in the Near and Middle East had served moreover, to dull the edge of Anglo-Russian antagonism. The United Kingdom failed to obtain the insertion, into the preamble of the resulting Anglo-Russian convention, of a reference to Britain's exclusive position in the Persian Gulf, largely because the suggestion was introduced after the drafting of the Persian section had been completed. Nevertheless the two powers reached an accord on the division of Persia—without its consent —into spheres of influence. "To-day it is necessary that the Foreign Minister of Persia," noted one Tehrani newspaper, which reflected

articulate nationalist opinion in the country, "should clearly inform the two Powers that no Agreement having reference to Persia and concluded without her knowledge is valid or entitled to the slightest consideration; and that any Power desiring to enter into relations with Persia must address itself directly to the Persians themselves, no one else having any right to intervene in any way. . . ." (*Habl-al-Matin,* 11 September 1907, as cited in E. G. Browne, *Persian Revolution,* p. 187). Only that section of the convention relating to Persia appears below. R. P. Churchill, *The Anglo-Russian Convention of 1907;* Browne, *op. cit.,* chaps. 6–11; H. Nicolson, *Portrait of a Diplomatist,* chaps. 8–9; *Cambridge History of British Foreign Policy,* vol. 3, pp. 356–66; G. P. Gooch, *Before the War,* vol. 1, pp. 293–306; Viscount Grey of Fallodon, *Twenty-Five Years, 1892–1916,* vol. 1, chap. 10; S. B. Fay, *Origins of the World War,* vol. 1, pp. 214–22. S. A. Korff, *Russia's Foreign Relations during the Last Half Century,* chap. 2; H. Oncken, *Die Sicherheit Indiens,* chap. 6.

AGREEMENT CONCERNING PERSIA

The Governments of Great Britain and Russia having mutually engaged to respect the integrity and independence of Persia, and sincerely desiring the preservation of order throughout that country and its peaceful development, as well as the permanent establishment of equal advantages for the trade and industry of all other nations;

Considering that each of them has, for geographical and economic reasons, a special interest in the maintenance of peace and order in certain provinces of Persia adjoining, or in the neighbourhood of. the Russian frontier on the one hand, and the frontiers of Afghanistan and Baluchistan on the other hand; and being desirous of avoiding all cause of conflict between their respective interests in the above-mentioned provinces of Persia;

Have agreed on the following terms:—

I. Great Britain engages not to seek for herself, and not to support in favour of British subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Concessions for railways, banks, telegraphs, roads, transport, insurance, &c.—beyond a line starting from Kasr-i-Shirin, passing through Isfahan, Yezd, Kakhk, and ending at a point on the Persian frontier at the intersection of the Russian and Afghan frontiers, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the Russian Government. It is understood that the above-mentioned places are included in the region in which Great Britain engages not to seek the Concessions referred to.

II. Russia, on her part, engages not to seek for herself and not to support, in favour of Russian subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Concessions for railways, banks, telegraphs, roads, transport, insurance, &c.—beyond a line going from the Afghan frontier by way of Gazik, Birjand, Kerman, and ending at Bunder Abbas, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the British Government. It is understood that the above-mentioned places are included in the region in which Russia engages not to seek the Concessions referred to.

III. Russia, on her part, engages not to oppose, without previous arrangement with Great Britain, the grant of any Concessions whatever to British subjects in the regions of Persia situated between the lines mentioned in Articles I and II.

Great Britain undertakes a similar engagement as regards the grant of Concessions to Russian subjects in the same regions of Persia.

All Concessions existing at present in the regions indicated in Articles I and II are maintained.

IV. It is understood that the revenues of all the Persian customs, with the exception of those of Farsistan and of the Persian Gulf, revenues guaranteeing the amortization and the interest of the loans concluded by the Government of the Shah with the "Banque d'Escompte et des Prêts de Perse" up to the date of the signature of the present Agreement, shall be devoted to the same purpose as in the past.

It is equally understood that the rev-

enues of the Persian customs of Farsistan and of the Persian Gulf, as well as those of the fisheries on the Persian shore of the Caspian Sea and those of the Posts and Telegraphs, shall be devoted, as in the past; to the service of the loans concluded by the Government of the Shah with the Imperial Bank of Persia up to the date of the signature of the present Agreement.

V. In the event of irregularities occuring in the amortization or the payment of the interest of the Persian loans concluded with the "Banque d'Escompte et des Prêts de Perse" and with the Imperial Bank of Persia up to the date of the signature of the present Agreement, and in the event of the necessity arising for Russia to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the first-named bank, and situated in the region mentioned in Article II of the present Agreement, or for Great Britain to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the second-named bank, and situated in the region mentioned in Article I of the present Agreement, the British and Russian Governments undertake to enter beforehand into a friendly exchange of ideas with a view to determine, in agreement with each other, the measures of control in question and to avoid all interference which would not be in conformity with the principles governing the present Agreement.

106. CONVENTION (POTSDAM) ON THE BAGHDAD RAILROAD AND RUSSIAN INTERESTS IN PERSIA: RUSSIA AND GERMANY 6/19 August 1911

[*The American Journal of International Law,* 6 (1912), 120–22]

After October 1904 construction of the Baghdad railroad stalled for more than six years. The financial and political difficulties arose mostly from the strained relations of Germany with Britain, France, and Russia. Led by Britain, the Entente powers insisted (1907–10) on quadrilateral talks—or negotiations *à quatre,* as they were commonly known in the diplomatic parlance of the period. But Germany, determined to breach the wall of Entente solidarity, sought agreements *à deux* with each of the three governments. The first opportunity came early in November 1910 during Tsar Nicholas II's visit to Kaiser Wilhelm II at Potsdam, where their foreign ministers reviewed Russo-German relations in Europe and in the Ottoman-Persian area. In the weeks that immediately followed, the Wilhelmstrasse tried, without result, to detach Russia in European affairs from the Entente. St. Petersburg remained inflexible in limiting the discussions to issues bearing directly or indirectly on the prolongation of the Baghdad railroad from Anatolia into Syria and Mesopotamia. The Russo-German convention of 1911, which automatically went into force upon signature, addressed itself to these questions. M. K. Chapman, *Great Britain and the Bagdad Railway,* chap. 7; J. B. Wolf, *Diplomatic History of the Bagdad Railroad,* chap. 6; E. M. Earle, *Turkey, the Great Powers and the Bagdad Railway,* chap. 10; G. P. Gooch, *Before the War,* vol. 2, pp. 210–16, 289–301; for repercussions in Persia, see W. M. Shuster, *The Strangling of Persia;* G. P. Gooch and H. Temperley, *British Documents on the Origins of the War,* vol. 10(i), pp. 549–723.

ART. 1. The German Imperial Government declares that it has no intention to request for itself the construction of railways or the concession of navigation or telegraphic services or to support requests of that nature on the part of German or foreign citizens to the north of the line going from Casré to Chirine, passing by way of Ispahan, Yezd and Khakh and reaching the Afghan frontier at the degree latitude of Gachik.

ART. 2. The Russian Government which intends to obtain from the Persian Government a concession with a view of creating a network of railways in northern Persia engages itself on its part, among other things, to ask for the concession for the construction of railway which is to start from Teheran and to end at Khani-

kine, to connect this network of railways on the Turko-Persian frontier with the Sadijeh-Khanikine line as soon as the [Koniah-] Bagdad branch railway shall have been completed.

When this concession is obtained, the work of construction of the line indicated shall begin at the latest two years after the completion of the Sadijeh-Khanikine branch and terminated within the space of four years.

The Russian Government reserves unto itself the right to establish at a proper time the definitive location of the line under consideration; but on this occasion it shall bear in mind the desiderata of the German Government. The two governments shall favor international traffic over the lines from Khanikine to Teheran and from Khanikine to Bagdad and avoid all measures that might interfere therewith, such, for instance, as the creation of transitory customs duties or the application of differential tariffs.

If at the end of a period of two years after the completion of the Sadijeh branch to Khanikine of the railway from Koniah to Bagdad, the construction of the line from Khanikine to Teheran is not commenced, then the Russian Government shall inform the German Government of its renunciation of the concession of this latter line. The German Government, in that case, shall have the right to solicit on its part the concession of said line.

ART. 3. In view of the general importance which the realization of the Bagdad railway has for international commerce, the Russian Government engages itself not to take any step that might prove an obstacle to the construction of the railway or prevent the participation of capital in this enterprise. Always, of course, with the understanding that no pecuniary or economic damage would accrue thereby to Russia.

ART. 4. The Russian Government reserves unto itself the right to entrust to a group of foreign financiers the construction of the projected junction between the network of railways in Persia and the Sadijeh to Khanikine line in place of undertaking itself this construction.

ART. 5. Independently of this, the Russian Government reserves unto itself the right to participate in the works in whatever form it may deem proper, whatever be the mode of construction of the line in question, and to reassume possession of the railway by reimbursing the actual amounts expended by the constructors.

The high contracting parties engage themselves besides to participate annually in the tariff or other privileges which one of the parties may obtain with regard to this line. All the other causes of the present agreement remain valid in all events.

107. RESOLUTION OF THE ARAB-SYRIAN CONGRESS AT PARIS
21 June 1913

[Translated from the French text in G. P. Gooch and H. Temperley, *British Documents on the Origins of the War,* vol. 10(ii), p. 826]

The nationalist awakening in the Arab East originated in a cultural renaissance in the eighteen thirties and forties in Lebanon where American and French missionaries opened schools with instruction in Arabic and presses for the printing of Arabic books. By the eve of World War I the movement had spread to Syria, Mesopotamia (present-day Iraq) and Egypt, becoming in transit increasingly political. Owing to resistance to the Dual Control and later to the British occupation, the movement in Egypt took the form primarily of Egyptian rather than Arab nationalism. In the decade before 1914, particularly after the Young Turk *coup d'état* of 1908, a number of Arab nationalist societies—a few of them secret—with avowed political objectives were founded. By and large these societies demanded, not independence, but political autonomy for the predominantly Arab districts and Arab representation in the imperial government at Istanbul on a bisis of full equality with the Ottoman Turks. This emphasis is manifest in the following resolution, adopted by an Arab-Syrian Congress at Paris (18–24 June 1913), attended by 24 official delegates

who, with the exception of three from the United States and two from Mesopotamia, came from Lebanon and Syria. G. Antonius, *The Arab Awakening*, chaps. 1–6; P. W. Ireland, *'Iraq*, chap. 12; S. H. Longrigg, *'Iraq 1900 to 1950*, chap. 12; E. Jung, *Les Puissances devant la révolte arabe*, and *La Révolte arabe*, vol. 1, chaps. 1–5; F. Cataluccio, *Storia del nazionalismo arabo*, chap. 1.

1. Radical and urgent reforms are needed in the Ottoman Empire.

2. It is important to guarantee the Ottoman Arabs the exercise of their political rights by making effective their participation in the central administration of the Empire.

3. It is important to establish in each of the Syrian and Arab vilayets a decentralized regime suitable to their needs and aptitudes.

4. The vilayet of Bayrut, having formulated its claims in a special project adopted on 31 January 1913 by an *ad hoc* general Assembly and based on the double principle of the extension of the powers of the general council of the vilayet and the nomination of foreign councillors, the Congress requests the execution of the above project.

5. The Arabic language must be recognized in the Ottoman Parliament and considered as an official language in Syrian and Arab countries.

6. Military service shall be regional in Syrian and Arab vilayets, except in case of extreme necessity.

7. The Congress expresses the wish that the Ottoman Imperial Government will provide the *mutasarrıflık* of Lebanon with the means of improving its financial situation.

8. The Congress affirms that it favors the reformist and decentralizing demands of the Armenian Ottomans.

9. The present resolution shall be communicated to the Ottoman Imperial Government.

10. These resolutions shall also be communicated to the powers friendly to the Ottoman Empire.

11. The Congress conveys its grateful thanks to the Government of the [French] Republic for its generous hospitality.

108. ANGLO-OTTOMAN DRAFT CONVENTION ON THE PERSIAN GULF AREA
29 July 1913

[Translated from the French text in G. P. Gooch and H. Temperley, *British Documents on the Origins of the War*, vol. 10(ii), pp. 190–94]

As late as 1911–13 Germany and the Ottoman Empire still had to overcome British obstructive diplomacy before they could procede with the full execution of the Baghdad railroad scheme. "We have only got two objects as regards the Baghdad Railway," explained Foreign Secretary Sir Edward Grey to the British Committee of Imperial Defense on 26 May 1911, "one is to secure that when that railway is made British trade shall not be at a disadvantage" and the other "that the situation in the Persian Gulf . . . should not be altered in a way which would damage our . . . strategical position" (Gooch and Temperley, *op. cit.*, vol. 6, pp. 786–87). Whitehall could afford to tarry, for the Sublime Porte was dependent on British consent to raise the tariff rates, the only likely source of funds with which to subsidize the concessionaires, as the Ottoman government had obligated itself to do. When England agreed at last to seek a settlement, the decision was taken to negotiate three bilateral—Anglo-Ottoman, Anglo-German and Ottoman-German—agreements that were to be articulated to one another. After more than two years of diplomatic exchanges, several instruments (texts in Gooch and Temperley, *op. cit.*, vol. 10(ii), pp. 183–98) forming part of a proposed comprehensive Anglo-Ottoman settlement were signed on 29 July 1913, among them the draft convention reproduced below. The draft convention—designed to protect the British position and to satisfy Ottoman claims in the Persian Gulf area—as well as the remaining instruments were never ratified. M. K. Chapman, *Great Britain and the Bagdad Railway*, chaps. 4–9; J. B. Wolf, *Diplomatic History of the Bagdad Railway*, chaps. 6–7; E. M. Earle,

Turkey, the Great Powers and the Bagdad Railway, chap. 10; P. Graves, *Life of Cox,* chaps. 9–13; H. F. Frischwasser-Ra'anan, *Frontiers of a Nation,* chap. 2.

I. KUWAYT

ART. 1. The territory of Kuwayt, as delimited in articles 5 and 7 of this convention, constitutes an autonomous *kaza* of the Ottoman Empire.

ART. 2. The shaykh of Kuwayt will hoist, as in the past, the Ottoman flag, together with the word 'Kuwayt' inscribed in the corner if he so wishes it, and he will enjoy complete administrative autonomy in the territorial zone defined in article 5 of this Convention. The Ottoman Imperial Government will refrain from interference in the affairs of Kuwayt, including the question of succession, and from any administrative act as well as any occupation or military act, in the territories belonging to it. In the event of vacancy, the Ottoman Imperial Government will appoint by Imperial *ferman* a *kaymakam* to succeed the deceased shaykh. He will also have the power to delegate before the shaykh a commissioner to protect the interests and the natives of other parts of the Empire.

ART. 3. The Ottoman Imperial Government recognizes the validity of the conventions which the shaykh of Kuwayt previously concluded with the Government of His Britannic Majesty, dated 23 January 1899, 24 May 1900, and 28 February 1904, the texts of which are annexed (annexes I, II, III) to the present convention.[1] It also recognizes the validity of land concessions made by the said shaykh to the Government of His Britannic Majesty and to British subjects, and the validity of the pledges included in the note of 24 October 1911, sent by H. M.'s Principal Secretary of State for Foreign Affairs to His Imperial Majesty the Sultan's Ambassador in London, the text of which is annexed (annex IV).[2]

ART. 4. With a view to confirming the understanding already established between the two Governments following the exchange of assurances dated 6 September 1901, between the embassy of His Britannic Majesty at Constantinople and the Imperial Ministry of Foreign Affairs, the Government of His Britannic Majesty declares that since no change will be effected by the Ottoman Imperial Government in the *status quo* of Kuwayt, as defined in the present Convention, it will not alter the nature of its relations with the Government of Kuwayt and will not establish a protectorate over the area ascribed to it. The Ottoman Imperial Government takes note of this declaration.

ART. 5. The autonomy of the Shaykh of Kuwayt is exercised by him in the territories the limit of which forms a semicircle with the town of Kuwayt in the center, the Khur-al-Zubayr at the northern extremity and al-Qurayyin at the southern extremity. This line is indicated in red on the map annexed to the present convention (annex V).[3] The islands of al-Warbah, Bubyan, Mashjan, Faylakah, 'Awhah, al-Kubr, Qaru, al-Maqta', and Umm-al-Maradim, together with the adjacent islets and waters, are included in this zone.

ART. 6. The tribes which are situated within the limits stipulated in the following article are recognized as within the dependence of the shaykh of Kuwayt who will collect their tithes as in the past and will exercise the administrative rights belonging to him in his quality of Ottoman *kaymakam.* The Ottoman Imperial Government will not exercise in this region any administrative action independently of the shaykh of Kuwayt and will refrain from establishing garrisons or undertaking any military action whatsoever without prior understanding with the Government of His Britannic Majesty.

ART. 7. The limits of the territory referred to in the preceding article are fixed as follows:

The demarcation line begins on the coast at the mouth of Khur-al-Zubayr in the northwest and crosses immediately south of Umm-Qasr, Safwan and Jabal Sanam, in such a way as to leave to the

[1] Not reproduced.

[2] Not reproduced.

[3] Not reproduced.

vilayet of Basrah these locations and their wells; arriving at the al-Batin, it follows it toward the southwest until Hafr-al-Batin which it leaves on the same side as Kuwayt; from that point on the line in question goes southeast leaving to the wells of al-Safah, al-Garaa, al-Haba, al-Warbah and Antaa, reaching the sea near Jabal Munifa. This line is marked in green on the map annexed to the present convention (annex V).[4]

ART. 8. In the event that the Ottoman Imperial Government agrees with the Government of His Britannic Majesty to prolong the Baghdad-Basrah railroad to the sea at the Kuwayt terminal or to any other terminal in the autonomous territory, the two Governments will agree on the measures to be taken concerning protection of the line and the stations as well as the establishment of customs offices, merchandise depots and any other installation connected with the railroad.

ART. 9. The shaykh of Kuwayt will enjoy in full safety the rights of private property which he possesses in the territory of the vilayet of Basrah. These rights to private property will have to be exercised in accordance with Ottoman law, and the immovable properties will be subjected to duties and charges, to the rules of maintenance and transmission and to the jurisdiction established by Ottoman laws.

ART. 10. The criminals of neighboring provinces will not be received in the territory of Kuwayt and will be expelled if found; similarly, the criminals of Kuwayt will not be received in neighboring provinces and will be expelled if found.

It is understood that this provision will not be used by the Ottoman authorities as a pretext for interference in the affairs of Kuwayt; it will also not serve as a pretext to the shaykh of Kuwayt for interference in the affairs of the neighboring provinces.

II. AL-QATAR

ART. 11. The Ottoman *sancak* of Najd, the northern limit of which is indicated by the demarcation line defined in Article 7 of this convention, ends in the south at the gulf facing the island of al-Zakhnuniyah, which belongs to the said *sancak*. A line beginning at the extreme end of that gulf will go directly south up to the Rub'-al-Khali and will separate the Najd from the peninsula of al-Qatar. The limits of the Najd are indicated by a blue line on the map annexed to the present convention (annex Va).[5] The Ottoman Imperial Government having renounced all its claims to the peninsula of al-Qatar, it is understood by the two Governments that the peninsula will be governed as in the past by the shaykh Jasim-bin-Sami and his successors. The Government of His Britannic Majesty declares that it will not allow the interference of the shaykh of Bahrayn in the internal affairs of al-Qatar, his endangering the autonomy of that area or his annexing it.

ART. 12. The inhabitants of Bahrayn will be allowed to visit the island of al-Zakhnuniyah for fishing purposes and to reside there in full freedom during the winter as in the past, without the application of any new tax.

III. BAHRAYN

ART. 13. The Ottoman Imperial Government renounces all its claims to the islands of Bahrayn, including the two islets Lubaynat al-Aliya and Lubaynat al-Safliya, and recognizes the independence of the country. For its part, the Government of His Britannic Majesty declares that it has no intention of annexing the islands of Bahrayn to its territories.

ART. 14. The Government of His Britannic Majesty pledges itself vis-à-vis the Ottoman Imperial Government to assure that the shaykh of Bahrayn does not charge Ottoman subjects fishing dues for pearl oysters exceeding the rate charged to the most favored other interested parties.

ART. 15. The subjects of the shaykh of Bahrayn will be considered as foreigners in Ottoman territories and will be protected by his Britannic Majesty's consuls. This protection, however, will have to be exer-

[4] Not reproduced.

[5] Not reproduced.

cised in conformity with the general principles of European international law, the subjects of Bahrayn not enjoying privileges granted subjects of certain Powers by the capitulations.

IV. THE PERSIAN GULF

ART. 16. The Government of His Britannic Majesty having undertaken, for the protection of its special interests as well as for a higher purpose of humanity, at all times maritime police measures in the free waters of the Persian Gulf and on the borders belonging to the independent shaykhs from the south of al-Qatar up to the Indian Ocean, the Ottoman Imperial Government is fully cognizant of the importance of these efforts already secular, and declares that it will not be opposed to the Government of His Britannic Majesty exercising as in the past the following measures in the Persian Gulf:

(a) Soundings, lighting of light houses, placement of buoys, piloting.
(b) Maritime police.
(c) Quarantine measures.

On this occasion, the Ottoman Imperial Government reserves all rights belonging to it as a territorial Power on the shores and in Ottoman territorial waters.

V. COMMISSION FOR THE SETTLEMENT OF BOUNDARIES

ART. 17. The two Governments agree to the establishment, in the shortest possible period of time, of a commission that shall apply to the territory the limits established by Articles 5, 7, and 10 of this Convention and shall draw up a detailed plan and explanatory report. The plan and the report, once drafted and duly signed by the respective commissioners, shall be considered an integral part of the present Convention.

109. THE KUWAYTI SHAYKH'S PLEDGE TO BRITAIN REGARDING OIL
27 October 1913

[C. U. Aitchison, *Collection of Treaties* (1933, 5th ed.), vol. 11, pp. 264–65]

"In the year 1909 the first flotilla of ocean-going destroyers wholly dependent upon oil was created," declared Mr. Winston Churchill, the First Lord of the Admiralty, in the House of Commons on 17 July 1913 (Great Britain, *Parliamentary Debates, Commons,* 5th Ser., vol. 55, cols. 1465–66), "and since then, in each successive year, another flotilla of 'oil only' destroyers has been built. There are now built and building more than 100 destroyers—I purposely leave the number rather vague—including coastal destroyers, which are solely dependent upon oil fuel. Similarly, during the last five years, oil has been employed in coal-burning battle-ships and cruisers, to enable them to realise their full powers in an emergency." Churchill's speech was intended to prepare Parliament for the British government's purchase of a controlling interest in the Anglo-Persian Oil Company (Doc. 102). With the progressive substitution of oil for coal, it was clear, the admiralty and the government were developing sensitivities to the liquid fuel. The assurance from the Kuwayti shaykh paved the way for a comparable undertaking on 14 May 1914 by the Bahrayni shaykh (text in Aitchison, *op. cit.,* p. 239). For references, see Doc. 112.

With the hand of friendship we received your esteemed letter dated the 26th Zu-al-Kada 1331 and in it you stated that with reference to the conversation which passed between us yesterday if we saw no objection therein it would be desirable for Your Honour to inform the British Government that we were agreeable to the arrival of His Excellency the Admiral. We are agreeable to everything which you regard advantageous and if the Admiral honours our (side) country we will associate with him one of our sons to be in his service, to show the place of bitumen in Burgan and elsewhere and if in their view there seems hope of obtaining oil therefrom we shall never give a concession in this matter to

any one except a person appointed from the British Government.

This is what was necessary and I pray for the continuance of your high regard and may you be preserved.

110. DRAFT AGREEMENT ON THE BAGHDAD RAILROAD: THE IMPERIAL OTTOMAN BANK AND THE DEUTSCHE BANK
15 February 1914

[Translated from the French text in J. Lespius, A. Mendelssohn-Bartholdy and F. Thimme, eds., *Die grosse Politik der europäischen Kabinette, 1871–1914,* vol. 37(ii), pp. 583–88]

On the eve of World War I France ranked second only to Germany in railroad investments in the Ottoman Empire. The French concessions were located chiefly in Syria (and Palestine) and Anatolia. The Russo-German agreement at Potsdam (Doc. 106) and the prospect of an Anglo-German accord on Ottoman affairs stirred uneasiness in Paris by the spring of 1913 over the security of these investments and the special position of France in the zone where they were concentrated. The Sublime Porte, following defeats in wars with Italy and the Balkan states (1911–13), was no less anxious to dissolve lingering French hesitations over the Baghdad railroad scheme, which remained for the Young Turks what it had represented to 'Abdülhamid—the most promising hope of economic development and improved communications and defenses. The approval of France for an increase in the tariff rates was just as essential as that of Britain. The Sublime Porte accordingly prodded Germany to treat with France, and in the summer of 1913 sent its own economic adviser, Cavid Bey, to Paris to take part in the discussions. The Imperial Ottoman Bank and the Deutsche Bank initialed *ad referendum* the agreement and its annexes at Berlin. The presence of representatives from the Wilhelmstrasse and the Quai d'Orsay and the provision for an exchange of notes between the two governments gave the instrument its official character. But the contract did not go into effect, for it was dependent on a final Ottoman-German understanding on the Baghdad railroad that was never concluded. E. M. Earle, *Turkey, the Great Powers and the Bagdad Railway,* pp. 244–52; J. B. Wolf, *Diplomatic History of the Bagdad Railroad,* chap. 7; H. N. Howard, *The Partition of Turkey,* chap. 2; H. F. Frischwasser-Ra'anan, *Frontiers of a Nation,* chap. 2.

Between the Imperial Ottoman Bank, acting in its own name as well as, duly authorized, in the name and in behalf of the Ottoman Company of the Damascus-Hama and Extensions Railroad and the Company now in process of formation for the construction and operation of the Black Sea railroad system, these various establishments being designated here below under the name of the "French group," on the one hand; and the Deutsche Bank, acting in its own name as well as, duly authorized, in the name and in behalf of the Ottoman Railroad Company of Anatolia and the Imperial Ottoman Company of the Baghdad Railroad, these various establishments being designated here below under the name of the "German group," on the other hand; there have been agreed and declared the following:

ART. 1. The French group let it be known that it is presently seeking from the Imperial Ottoman Government a concession for an integrated railroad system extending from the Black Sea and comprising notably the principal line of Samsun-Sivas-Kharput [present-day Elâzığ] with extensions to Ergani Maden, Bitlis and Van toward the east, to Kastamonu and Bolu toward the west, as well as a branch line leaving from the neighborhood of Suluseray and extending in the direction of Yozgat as far as the divide between the Yeşil Irmak and the Kizil Irmak.

The German group takes note of the declarations of the French group and declares, for its part, its intention to seek the concession for the lines intended to link the systems of the Anatolia and Baghdad Railroads with that of the Black Sea to Sivas by way of Kayseri and to Ergani Maden by way of Diyarbakır.

The French group takes note of these declarations.

ART. 2. As a result, the systems of the two groups will meet, to the west at Bolu in the station of the Anatolia Railroad, to the south at Sivas in the station of the Black Sea Railroad, to the east at Ergani Maden in the station of the Baghdad Railroad.

The technical conditions under which the junctions in joint railroad stations will be made and the exact conditions under which the junction at Bolu will be made shall form the subject of an equitable agreement between the Companies concerned at a later date.

The two groups shall come to an understanding so that the construction and operation of the port of Heraclea [Ereğli] and of the railroads joining Heraclea with the rail networks of the interior might be accomplished, taking into just account French and German industrial interests in the Heraclea basin and the interests of the railroads of the two groups.

ART. 3. The two groups note that the respective positions of the Damascus-Hama and Extensions Railroad and of the Baghdad Railroad are fixed as of this date by the junction of the systems of these companies at Aleppo and by their access to the sea respectively at Alexandretta for the Baghdad Railroad and at Tripoli in Syria for the Damascus-Hama and Extensions Railroad.

With a view to strengthening their respective situations and pursuing the normal development of their railroad systems free from any rivalry or competition, the two groups are agreed on the announcement of the following arrangements (articles 4 to 6):

ART. 4. The German group declares its intention eventually to seek the concession for a line intended to link Alexandretta directly with Aleppo and Aleppo, by way of Maskanah, with a given point in the system already under concession to the Baghdad Railroad in Mesopotamia. The French group takes note of the declaration of the German group and, for its part, declares its intention eventually to seek the concession for a line intended to link Tripoli in Syria directly with the Euphrates by means of an extension from Homs to Dayr al-Zawr where the Damascus-Hama and Extensions would join the Baghdad Railroad system. The German group takes note of this declaration.

ART. 5. With regard to the lines defined in the preceding article, the two groups recognize a protected zone for sixty kilometers to the south of the line of Alexandretta-Aleppo-Maskanah and Extension, an equal zone to the north of the line Tripoli-Homs-Dayr-al-Zawr, and a protected zone of sixty kilometers on either side of the right of way of the existing line from Homs to Aleppo.

At the junction of the two systems, where they come into contact, the protected zones are delimited by a straight line drawn from the point of junction of the rails at Aleppo to the point of intersection of the outer limits of the two zones, following the markings which the parties have by mutual agreement made on the schematic map annexed to these presents.[1]

The protected zones are exclusively reserved to the action of the system to which they belong, each of the groups engaging itself neither to construct nor to operate railroads in the protected zone of the other group.

ART. 6. The two groups shall refrain from constructing or operating, without prior agreement, any new extension reaching the sea in the free zone existing between the outer limits of the protected zones of the Alexandretta-Aleppo and Tripoli-Homs lines.

ART. 7. The points of junction defined above between the systems of the two groups (articles 2, 3 and 4) are the only ones now foreseen; new junctions which may be decided upon at a later date by the Imperial Ottoman Government shall be the subject of a prior agreement between the two groups.

ART. 8. In order to give complete effect to the preceding stipulations, insofar as they tend to the formation of integral sys-

[1] Not reproduced.

tems, the two groups mutually assure each other that they shall not seek the construction or operation of any railroad in the zone of action of a system of the other group, particularly taking into account the points of junction indicated above (articles 2, 3 and 4).

In the same way, the two groups shall refrain from aiding or abetting either directly or indirectly any individual or company of whatever nationality, whose action would go counter to the provisions of the present agreement.

ART. 9. Traffic questions of interest to the systems of the two groups will be regulated by two special agreements entered into between the interested companies and annexed to these presents.[2]

ART. 10. The two groups, having been informed of the program of railroad construction with the execution of which the Imperial Ottoman Government intends to entrust them, recognize the necessity so to space the projects as to take account of the financial situation of Turkey.

To this end they express the desire and, for their part, shall act in a way that the construction of the railroads for which the concessions have, or may be, granted and which are of the same importance to the economic development of the Empire shall be pursued insofar as possible *pari passu*, each group normally having recourse in an equal manner to the loans issued or guaranteed by the Ottoman Treasury.

The two groups consider that the interest of Turkey oblige her, in order to assure her credit and to facilitate her new issues, to restore the loans already advanced to the situation that existed before the Balkan War. Should the contribution assumed by the Balkan states not fully suffice for the purpose, new guarantees equivalent to those guarantees lost must be earmarked for the service of the loans, subject to the following reservations:

The allocation shall be made only in the feasible amount, that is, the equivalent of the sums necessary for the service of the loan.

The new allocation shall have only a provisional character; it shall become void at a time when, after three consecutive years, the former pledges, owing to plus values, assure the service of the loans.

In general all excess from the earmarked pledges, the use of which the beneficiary enterprise shall no longer have, must revert to the Ottoman Treasury for its general needs and its free disposition.

With the end in mind of the maintenance and consolidation of Turkish credit, the two groups consider that their common interests suggest effective cooperation in the liquidation loans in their different markets.

ART. 11. All agreements and conventions entered into among the participants of the two groups previous to this date on the subject of the matters governed by these presents are declared specifically to be abrogated.

ART. 12. The present agreement being concluded in good faith, the two groups declare their intention to submit to arbitration the regulation of any difficulties which might arise from its application.

Each group shall choose an arbitrator. If necessary, the arbitrators shall designate a referee to reconcile them; in case of disagreement on the choice of a referee, the latter shall be designated, at the request of the parties, by the President of the Federal Tribunal of Lausanne.

ART. 13. The present agreement will be communicated to the French and German governments for their approval.

ART. 14. The final ratification of the present agreement is dependent upon:

1. the conclusion of an agreement between the French group and the Imperial Ottoman Government on the subject of the railroads for which the French group seeks the concession;

2. the conclusion of an agreement between the German group and the Imperial Ottoman Government on the subject of the Baghdad and Anatolia Railroads;

3. the conclusion of a financial agreement between the two groups relative to the liquidation of the interest of the French group in the Baghdad Railroad enterprise.

[2] Not reproduced.

ANNEX I. NOTE ADJOINED TO THE AGREEMENT OF THE GROUPS.

1. In application of Article 2, paragraph 2, the Black Sea Company shall remain liable to the Anatolia Company for eventual loss of construction advantages which may result from the fixing of the point of juncture at Bolu.

2. The French negotiators have expressed the desire to insert in Article 8, paragraph 1, after the words "construction or operation," the words "nor control or direction." The definitive decision regarding this insertion remains in suspense.

3. The last paragraph of Article 10 does not refer to the Consolidation Loan now in process of negotiation at Paris.

4. The annexes mentioned in Article 9, which would regulate traffic questions, are reserved for study by the interested Companies and for ultimate approval by the groups.

The drafts annexed *pro forma* to these presents, which (save for several modifications in form) were prepared September last [1913], have the value of general indications only.

5. A memorandum, annexed to these presents, indicates the general conditions under which the financial agreement mentioned in the third paragraph of Article 14 shall take place.

ANNEX II. MEMORANDUM

The liquidation of the interests of the French group in the Baghdad Railroad enterprise, mentioned in Article 14 (3), shall be accomplished by an exchange of these interests, comprising:

approximately 8000 shares of the Baghdad Railroad Company	Frs. 4,000,000
approximately 3900 shares of the Construction Company	1,950,000
approximately 55,500 bonds, Baghdad Series II	27,750,000
approximately 71,400 bonds, Baghdad Series III	35,700,000
	or Frs. 69,400,000

against the advance on the second installment of the Customs Loan of Constantinople, 1911, granted to the Ottoman Government by a German group, amounting to approximately Frs. 66,000,000.

The conditions of the exchange shall be fixed by an agreement in common between the Imperial Ottoman Bank and the Deutsche Bank.

111. ARRANGEMENT FOR REORGANIZING THE TURKISH PETROLEUM COMPANY: BY THE D'ARCY GROUP, THE DEUTSCHE BANK AND THE ANGLO-SAXON PETROLEUM COMPANY
19 March 1914

[*Foreign Relations of the United States, 1927,* vol. 2, pp. 821–22]

Three groups were competing for oil concessions in Mesopotamia (present-day Iraq) in 1913: the Deutsche Bank, the Anglo-Persian Oil Company, and the Anglo-Saxon Petroleum Company (Royal Dutch-Shell subsidiary, an Anglo-Dutch combine). The Deutsche Bank's claim derived from an option of 1904 that had been allowed to expire; that of the Anglo-Persian Oil Company from several petitions presented to the Ottoman government by William Knox D'Arcy after 1906 and supported by the British Ambassador at Istanbul; and that of the Royal Dutch-Shell from the friendly intervention of Calouste Sarkis Gulbenkian, "an Ottoman subject of considerable influence and ability, sometimes called the Talleyrand of oil diplomacy" [E. M. Earle in *Political Science Quarterly,* 39 (June 1924), 267]. The British government, about to become principal owner of the Anglo-Persian Oil Company, insisted that this firm should acquire the largest individual share. The accession of the two other groups to this condition led to the following arrangement, commonly known as the Foreign Office Agreement of 1914, for the negotiations took place in the British Foreign

Office. Representatives of the British and German governments as well as of the companies signed the contract. The restrictive features of article 10—labeled in the oil trade "the self-denying ordinance"—were inherited from bilateral agreements between the earlier Turkish Petroleum Company (founded on 31 January 1911) and each of its three corporate constituents—the Deutsche Bank (agreement of 19 October 1912) (text in *Foreign Relations of the United States, 1927,* vol. 2, p. 820), the (British) National Bank of Turkey (22 October 1912) and the Anglo-Saxon Petroleum Company (23 October 1912) respectively—and were later enshrined in the Red Line Agreement of 1928 (II, Doc. 54). E. M. Earle, "The Turkish Petroleum Company—A Study in Oleaginous Diplomacy," *Political Science Quarterly,* 39 (1924), 265–79; S. H. Longrigg, *Oil in the Middle East,* chap. 2; *International Petroleum Cartel,* chap. 4; K. Hoffman, *Ölpolitik und angelsächsischer Imperialismus,* chap. 4; B. Shwadran, *The Middle East, Oil and the Great Powers,* chap. 7.

It is agreed that the interests shall be divided as follows:

Fifty per cent to the d'Arcy group,

Twenty-five per cent to the Deutsche Bank,

Twenty-five per cent to the Anglo-Saxon Petroleum Company,

and that, in order to carry out this division,

1. The shares in the Turkish Petroleum Company now held by The National Bank of Turkey shall be transferred in equal moieties to the Deutsche Bank and the Anglo-Saxon Petroleum Company.

2. The capital of the Turkish Petroleum Company shall be increased to £160,000 by the creation of 80,000 new shares of £1 each of the same class as those now existing.

3. These 80,000 new shares shall be allotted to the d'Arcy group on terms to be agreed upon between the parties.

4. The Board of the Company shall consist of eight members, of whom four will be nominated by the d'Arcy group, two by the Deutsche Bank, and two by the Anglo-Saxon Company.

5. The capital of the Turkish Petroleum Company shall be employed only in exploring, testing, and proving oil fields, a separate public company or companies being formed to work any field or fields the examination of which has proved satisfactory.

6. Such working company or companies shall issue to the Turkish Petroleum Company fully paid ordinary shares as consideration for the properties to be acquired; such ordinary shares shall carry full control of the working company or companies, which control shall in no circumstances be parted with by the Turkish Petroleum Company.

7. The working capital required by such working company or companies shall be raised by means of preference shares and (or) debentures which shall be offered to the public to such extent as the members of the Turkish Petroleum Company or any one of them shall elect not to subscribe for themselves.

8. The alterations in the memorandum and (or) articles of association of the Turkish Petroleum Company necessary to carry out the above conditions shall be made forthwith.

9. Mr. C. S. Gulbenkian shall be entitled to a beneficiary five per cent interest without voting rights in the Turkish Petroleum Company, this five per cent being contributed equally by the d'Arcy group and the Anglo-Saxon Company out of their respective holdings. The shares representing Mr. Gulbenkian's interest shall be registered in the names of nominees of the d'Arcy group and of the Anglo-Saxon Company, and shall be held by them, but undertakings shall be exchanged between these parties whereby

(1) Mr. Gulbenkian undertakes to pay the calls on the shares, and

(2) The d'Arcy group and the Anglo-Saxon Company undertake that Mr. Gulbenkian shall be entitled to all financial benefits of the shares.

(3) If Mr. Gulbenkian shall desire to dispose of this interest, and also in the event of his death, the d'Arcy group and the Anglo-Saxon Company shall have the option of purchasing the interests standing

in their names as defined in Article 36 (*b*) of the articles of association of the Turkish Petroleum Company.

10. The three groups participating in the Turkish Petroleum Company shall give undertakings on their own behalf and on behalf of the companies associated with them not to be interested directly or indirectly in the production or manufacture of crude oil in the Ottoman Empire in Europe and Asia, except in that part which is under the administration of the Egyptian Government or of the Sheikh of Koweit, or in the "transferred territories" on the Turco-Persian frontier, otherwise than through the Turkish Petroleum Company.

112. AGREEMENT OF THE BRITISH TREASURY AND ADMIRALTY WITH THE ANGLO-PERSIAN OIL COMPANY
20 May 1914

[Great Britain, *Parliamentary Papers, 1914,* vol. 54, Cd. 7419]

Once the British government embarked upon negotiations with the Anglo-Persian Oil Company in 1913, the Admiralty set up a special commission to investigate the company's operations. The commission, which arrived in Persia on 23 October 1913 and returned to England on 25 January 1914, visited not only the company's fields but also Kuwayt and Bahrayn. As part of the agreement, the company statutes were amended. Article 91A, newly inserted, stipulated that either of the two *ex officio* directors of the company appointed by the British Treasury "shall have the right of negativing any resolution which may be proposed at any meeting of the Board or of any Committee of the Directors, provided always that in the event of the aforesaid right being exercised it shall be open to the other Directors, or a majority of them, to submit the proposed resolution to His Majesty's Government, who shall thereupon, after full consideration, determine in writing whether the same ought to be given effect to or not; and if His Majesty's Government shall determine that the proposed resolution ought to be given effect to, it shall be deemed to have been duly passed at the meeting at which it was proposed. For the purpose of this Article, His Majesty's Government shall mean the Treasury and the Admiralty acting jointly; and notice of any submission hereunder to His Majesty's Government shall be given both to the Treasury and the Admiralty." This clause, together with the government's acquisition of a majority interest in the enterprise, assured the Admiralty a substantial portion of its annual oil requirements, on reasonable terms, from a government-controlled company. Omitted below are the amendments of the company's statutes. Anglo-Iranian Oil Company, *A Short History of the Anglo-Iranian Oil Company* (1948); S. H. Longrigg, *Oil in the Middle East,* chap. 2; K. Hoffman, *Ölpolitik,* chap. 2; Sir O. K. Caroe, *Wells of Power,* part 2, chap. 1; E. L. DeGolyer, "Some Aspects of Oil in the Middle East," *The Near East and the Great Powers,* ed. by R. N. Fyre, 119–36; H. L. Hoskins, *The Middle East, Problem Area in World Politics,* chap. 10; B. Shwadran, *The Middle East, Oil and the Great Powers,* chap. 2.

Whereas the Company has an authorised share Capital of £2,000,000 divided into (1) 1,000,000 Ordinary Shares of £1 each all of which have been issued and are fully paid up and (2) 1,000,000 Participating Preference Shares of £1 each of which 999,000 have been issued and are fully paid up.

And whereas the Company has issued £600,000 First Debenture Stock secured by a Trust Deed dated the 25th day of May 1909 and made between the Company of the one part and the Duke of Sutherland and the Earl of Lichfield of the other part.

And whereas the Company is interested in and is working various petroleum or oil bearing lands in Persia and is possessed of a refinery at Abadan Island and various pipe lines and other plant.

And whereas the oil products which the Company produces include oil fuel.

And whereas the Company is desirous of obtaining further Capital for the development of its undertaking and more particularly in order that it may be enabled adequately to perform any Agreement which it

may enter into with the Admiralty for the supply of oil fuel to the Admiralty.

And whereas the Company has proposed to the Treasury that such further Capital shall be provided by the Treasury upon the terms and subject to the conditions herein contained and the Treasury are willing to accede to such proposal.

Now it is hereby agreed between the parties hereto as follows:—

1. This Agreement is conditional upon:—

(*a.*) The Company's Ordinary Share Capital being increased as hereinafter mentioned.

(*b.*) The Company's Articles of Association being altered as hereinafter provided.

(*c.*) The necessary monies for enabling the Treasury to carry out the provisions of Clause 3 hereof being duly provided by Parliament.

(*d.*) An Agreement satisfactory to the Admiralty being entered into between the Company and the Admiralty for the supply of oil fuel by the Company to the Admiralty.

2. The Company shall forthwith obtain the necessary powers to increase its Ordinary Share Capital by the issue of 2,000,000 additional Ordinary Shares of £1 each ranking in all respects *pari passu* with the 1,000,000 Ordinary Shares already issued.

3. The Treasury shall upon the conditions mentioned in clause 1 hereof being duly fulfilled subscribe at par for 2,000,000 Ordinary Shares of the Company of £1 each and shall also subscribe at par for the 1,000 Preference Shares of the Company of £1 each which still remain unissued. The monies to be paid in respect of the said respective Shares shall be payable as follows:—

(1.) One-fourth on the date of the application for the same

(2.) The remaining three-fourths as and when required by the Company (but subject always to not less than one calendar month's notice in writing of such requirement being given by the Company to the Treasury).

The said Shares shall be allotted to such persons as shall be appointed by the Treasury in such amounts as shall be directed by the instrument of appointment. The respective allottees shall upon payment in respect of the Shares allotted to them respectively of the monies mentioned under Heading (1) of this Clause be forthwith registered as the holders of such Shares and shall thereupon be entitled to full voting powers in respect thereof.

4. For the purpose of conferring on the Treasury the right of being at all times represented by two *ex officio* Directors on the Board of Directors of the Company and of defining the powers of such *ex officio* Directors and of making provision for other matters which it is hereby agreed shall be provided for the Articles of Association of the Company shall forthwith be altered by Special Resolution in the terms set forth in the Schedule hereto.

5. The Company shall in regard to the First Exploitation Company Limited the Bakhtiari Oil Company Limited and any other subsidiary Company in which the Company (party hereto) shall have a sufficient controlling interest (each of which Companies is hereinafter called a subsidiary Company) forthwith

(*a.*) Procure the appointment on the Board of each subsidiary Company of two *ex officio* Directors to represent the Treasury and to have the same powers and to be subject to the same provisions as to appointment tenure of office and otherwise as will by the Articles of Association of the Company (party hereto) when altered in accordance with the Special Resolution in the preceding Clause mentioned be conferred on and made applicable to the *ex officio* Directors of the Company (party hereto).

(*b.*) Procure such alterations to be made in the Articles of Association of each subsidiary Company as may be required for enabling such appointment powers and provisions to be respectively effected conferred and made applicable.

(*c.*) Procure that the Treasury and the Admiralty shall respectively have such other rights powers and privileges in regard to each subsidiary Company as it is by Clause 7 hereof agreed that the Treasury and the Admiralty shall respectively

have in regard to the Company (party hereto).

6. The Company shall not enter into or be party to any Trust or Combine but shall always be and remain an independent British Company.

7. The Treasury and the Admiralty shall respectively be at liberty from time to time to appoint such person or persons as the Appointing Department (which expression shall mean the Department—that is to say the Treasury or the Admiralty as the case may be—making the appointment) may think proper with such powers as the Appointing Department may consider necessary or expedient for the purpose of visiting and inspecting and of reporting to the Appointing Department upon the undertaking wells and works of the Company (including any wells or works which may be for the time being under construction) and the plant machinery and stores belonging thereto and/or for the purpose of investigating the accounts and affairs of the Company whether in the United Kingdom or in Persia and the Company shall afford every person so appointed all facilities (including such facilities as are given to the Accountants or Auditors of the Company) for the purpose of enabling him to perform the duties entrusted to him by the Appointing Department Provided always that the powers and privileges which are by this Clause given to the Treasury and the Admiralty respectively are independent powers and privileges and are also independent of such powers as may from time to time be vested in or exercisable by the *ex officio* Directors of the Company or by the persons for the time being holding Shares as nominees of the Treasury or by any Department of His Majesty's Government through the medium of such last mentioned persons.

8. The Treasury shall as and when required by the Company (but subject always to not less than one calendar month's notice in writing of such requirement being given by the Company to the Treasury) take up at par Debenture Stock of the Company not exceeding in the aggregate the sum of £199,000 Debenture Stock which stock shall be issued to such nominee or nominees of the Treasury as the Treasury shall appoint. Such stock shall be part of and rank *pari passu* with the First Debenture Stock secured by the said Trust Deed of the 25th day of May 1909 and the Company shall from time to time do all such acts and things as may be necessary for the purpose of creating and issuing the same. Save as aforesaid no Debentures or Debenture Stock shall without the consent in writing of the Treasury be created or issued by the Company to rank *pari passu* with the First Debenture Stock secured by the said Trust Deed.

9. The Company (if required by the Treasury by notice in writing given to the Company not later than the 31st day of January 1920) shall on the 31st day of December 1920 redeem the whole of the present issue of £600,000 First Debenture Stock in accordance with the liberty in that behalf which is conferred on the Company under or by virtue of the said Trust Deed of the 25th day of May 1909 and shall reissue such stock when so redeemed to the nominees of the Treasury at the redemption price of £105 per cent. and shall do all such acts and things as may be necessary for the above purposes.

10. In view of the provisions contained in the House of Commons (Disqualification) Acts 1782 and 1801 no member of the House of Commons shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom.

11. The Company shall at all times carry on its business in a proper manner and shall comply with the terms of any concession of lands or rights in Persia which it may hold or in which it may be interested and shall do all such acts and things as may from time to time be necessary to preserve each such concession or to prevent the same from being forfeited and shall not do or suffer any act or thing or commit any default which may lead to a forfeiture of any such concession or which may render the security constituted by the said Trust Deed of the 25th day of May 1909 enforceable or which may give rise to any right on the part of the trustees of such

deed to take possession or appoint a Receiver of the Company's undertaking or property or any part thereof.

12. The Company shall have at all times its registered and head office in England.

13. So soon as the Capital of the Company shall have been increased as aforesaid and the Special Resolution hereinbefore referred to shall have been confirmed the Company shall forthwith execute and do all such instruments acts and things as may be necessary or proper for giving full effect to this Agreement and in particular if necessary or proper or if required so to do by the Treasury or the Admiralty shall cause the Seal of the Company to be reaffixed hereto or to be affixed to a supplementary document confirming this Agreement.

14. The Schedule to this Agreement shall be deemed to be part of this Agreement in all respects as if the same had been incorporated therein.

In witness whereof the said JOHN WILLIAM GULLAND M.P. and HENRY WEBB M.P. two of the Lords Commissioners of His Majesty's Treasury have hereunto set their hands and seals the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland have hereunto set their hands and seals and the Company has hereunto caused its Common Seal to be affixed the day and the year first above written.

113. ANGLO-GERMAN DRAFT CONVENTION ON THE BAGHDAD RAILROAD
15 June 1914

[G. P. Gooch and H. Temperley, *British Documents on the Origins of the War*, vol. 10(ii), pp. 398–408]

The reorganization of the Turkish Petroleum Company (Doc. 111) represented only one of many tightly interlocked problems in the Ottoman Empire that Britain and Germany were attempting to resolve. For the most part the issues centered on the Baghdad railroad project and, although economic in origin, they became in the aggregate political and strategic. A year of intense bargaining between English and German businessmen, financiers and government officials ultimately produced the following draft convention that British Foreign Secretary Sir Edward Grey and German Ambassador Prince Karl Mas Lichnowsky initialed in London. The ratification of the complex of bilateral instruments between the Entente powers, Germany and the Ottoman Empire awaited the conclusion of the Ottoman-German agreement. The Wilhelmstrasse transmitted its opening demands to the Sublime Porte in a memorandum of 14 November 1913 (French text in *Die grosse Politik*, vol. 37(ii), pp. 532–35). But the negotiations that ensued never reached their intended goal, for with the outbreak of World War I German-Ottoman diplomacy sheered off in a new direction. Only the draft convention and the explanatory note appear below. M. K. Chapman, *Great Britain and the Bagdad Railway*, chaps. 10–11; E. M. Earle, *Turkey, the Great Powers and the Bagdad Railway*, chap. 10; E. M. Earle, "The Secret Anglo-German Convention of 1914 regarding Asiatic Turkey," *Political Science Quarterly*, 38 (1923), 24–28; J. B. Wolf, *Diplomatic History of the Bagdad Railroad*, chap. 7; H. N. Howard, *Partition of Turkey*, chap. 2; H. F. Frischwasser-Ra'anan, *Frontiers of a Nation*, chap. 2.

ART. 1. *Clause* (*a*).—Recognising the general importance of the completion of the Bagdad Railway for international commerce, His Britannic Majesty's Government undertake not to take or encourage any measures likely to impede the construction or management by the Bagdad Railway Company of the Bagdad Railway system or to prevent the participation of capital in this undertaking.

Clause (*b*).—The Imperial German Government declare that they will use their best endeavours to secure that two British members, agreeable to His Britannic Majesty's Government, shall be admitted as representatives of British shareholders to the Board (Conseil d'Administration) of the Bagdad Railway Company.

ART. 2. *Clause* (*a*).—The Bagdad Railway Company having concluded with the Imperial Ottoman Government an arrangement on the following basis, the Imperial German Government and His Britannic Majesty's Government declare, so far as concerns themselves, that they adhere to the said arrangement, and will use their best endeavours to secure its due execution:—

(i) The terminus of the Bagdad Railway Company's line shall be at Basra, and the Bagdad Railway Company has renounced all claims to construct a branch line from Basra (Zobeir) to the Persian Gulf referred to in article 1 of the Bagdad Railway Convention of the 5th March, 1903, and to build a port or railway terminus on the Persian Gulf, under article 23 of the said Bagdad Railway Convention.

(ii) As hitherto, no discrimination, direct or indirect, shall be permitted on the Bagdad Railway Company's system, either as regards facilities or rates of charge for the conveyance of like articles between the same points on account of ownership, origin, or destination of goods presented for transport, or in any other manner whatever.

(iii) The Bagdad Railway Company agrees that the periods fixed by article 21 of the "cahier des charges," relating to the notice to be given in case of any modification of the conditions of transport or rates of freight, shall uniformly be two months. The said notices shall be inserted in the Official Gazette of the Imperial Ottoman Government and in the Journal of the Ottoman Chamber of Commerce at Constantinople.

(iv) In the event of the construction of a branch line from Basra (Zobeir) to the Persian Gulf being undertaken, adequate arrangements shall be made to secure facilities for through traffic from and to the Bagdad Railway Company's system, and there shall be complete protection against discrimination, direct or indirect.

(v) The construction and exploitation of the proposed ports of Basra and Bagdad, authorised by article 23 of the Bagdad Railway Convention of the 5th March, 1903, shall be carried out by a separate Ottoman Company.

No duties or charges of whatever nature or under whatever denomination shall be levied by the port company on any vessels or goods which shall not equally, under the same conditions, be imposed in like cases on all vessels or goods, whatever be the nationality of the vessels or their owners, or the ownership or country of origin or destination of the goods, and whatever be the places from which the vessels or goods arrive or to which they depart.

In all that relates to the stationing, loading and unloading of vessels in these ports, no privileges or facilities shall be granted to any vessel or vessels which shall not equally and under like conditions be granted to all other vessels.

In all that relates to the dues and charges of whatever nature to be levied, and to the facilities to be accorded, in the ports of Basra and Bagdad, goods arriving or to be forwarded by water shall receive identic treatment to those arriving or to be forwarded by rail.

The Imperial Ottoman Government reserves to itself the right to confer upon the Commission, which it proposes to entrust with the improvement and maintenance of the navigability of the Shatt-el-Arab, its rights of control over the port of Basra.

No rights conferred upon the ports company shall prejudice or impair the right of the aforesaid Commission to perform any of the duties entrusted to it under the Anglo-Turkish Convention of the 29th July, 1913.

Clause (*b*).—The Imperial German Government declare that they will not oppose the acquisition by British interests of 40 per cent. of the share-capital of the separate Ottoman Company for the construction and exploitation of the ports of Basra and Bagdad, mentioned in sub-clause (v) above, and their rateable representation on the Board (Conseil d'Administration) of the port company, and in the contracts, if any, for construction and maintenance.

ART. 3. *Clause* (*a*).—The Imperial Ger-

man Government and His Britannic Majesty's Government declare that they will in no case support the construction of a branch from Basra (Zobeir) or from any point of the main line of the Bagdad Railway, to the Persian Gulf unless and until there is complete agreement on the subject between the Imperial Ottoman Government, the Imperial German Government, and His Britannic Majesty's Government.

Clause (*b*).—The Imperial German Government declare that they will in no case themselves establish, or support any claim by any persons or corporations whatsoever to establish, a port or railway terminus on the Persian Gulf unless and until there is complete agreement on the subject between the Imperial German Government and His Britannic Majesty's Government.

Clause (*c*).—His Britannic Majesty's Government declare that they will in no case themselves establish, or support any claim by any persons or corporations whatsoever to establish, in Ottoman territory, railway undertakings either in direct competition with the Bagdad Railway Company's lines, or in contradiction with that company's existing rights, unless and until there is complete agreement on the subject between the Imperial German Government and His Britannic Majesty's Government. For the purposes of this article, the western terminus of the Bagdad Railway system shall be held to be at Konia and the eastern terminus at Basra.

ART. 4. *Clause* (*a*).—The Imperial German Government, having cognisance of the declaration signed on the 29th July, 1913, on behalf of the Imperial Ottoman Government, concerning navigation on the Rivers Tigris and Euphrates, declare that they will not oppose the execution, nor support any action directed against the execution, of such declaration, so long as the navigation on the said rivers is maintained in substantial accordance with the provisions thereof.

Clause (*b*).—His Britannic Majesty's Government declare that they will not oppose the acquisition by the Bagdad Railway interests of 40 per cent. of the share capital to be allotted to Turkish interests at the first allotment (*i.e.*, 20 per cent. of the whole share-capital) and the right in respect thereof to subscribe for a rateable proportion of further issues of capital of the Ottoman Company for river navigation, and their rateable participation (by directors agreeable to the Imperial German Government) in the board of the aforesaid Company out of the share of the directorate allotted to Turkish interests (*i.e.*, 20 per cent. of the whole directorate).

Clause (*c*).—It is, nevertheless, understood that nothing in this article shall be held to affect the rights conceded by article 9 of the Bagdad Railway Convention of the 5th March, 1903, except in so far that the Imperial German Government and His Britannic Majesty's Government agree, so far as concerns themselves, that the said rights shall cease on the completion of the construction of the Bagdad Railway to Basra, in accordance with the arrangement referred to in article 2 of the present Convention.

ART. 5.—The concessionnaire, nominated in pursuance of article 3 of the aforesaid declaration of the 29th July, 1913, having concluded with the Imperial Ottoman Government an arrangement on the following basis, the Imperial German Government and His Britannic Majesty's Government declare, so far as concerns themselves, that they adhere to the said arrangement and will use their best endeavours to secure its due execution:—

No discrimination, direct or indirect, shall be permitted by the Ottoman Company for river navigation, either as regards facilities or rates of charge for the conveyance of like articles between the same points on account of the ownership, origin, or destination of goods presented for transport, or in any other manner whatsoever. The Company shall grant no through bills of lading, rebates, or other privileges of any description in respect of goods carried by any ship between any place served by the Company's vessels, and any place oversea, unless the same privileges are accorded in respect of similar goods carried under the

same conditions and in the same direction between the same places by all ships regularly trading between those places, irrespective of nationality.

ART. 6. The Imperial German Government and His Britannic Majesty's Government will join in using their good offices with the Imperial Ottoman Government to secure that the Shatt-el-Arab shall so far as practicable be brought into and permanently kept in a satisfactory state of conservancy in order that sea-going vessels may always be assured of free and easy access to the port of Basra, and to secure, further, that the navigation on the Shatt-el-Arab shall permanently be kept open for sea-going vessels, and be carried on under conditions of absolute equality for the vessels of all nations, without regard either to the nationality of the vessels or to their cargoes.

Dues shall be imposed, not for the mere fact of navigation, but only for administrative charges of the Commission referred to in Article 7 and for repaying sums actually spent on improvements in the navigation of the Shatt-el-Arab and harbour facilities. They shall in no case exceed 1 fr. per registered ton (the dues to cover the coming in and going out of the same vessel) except by agreement between the two Governments; any dues shall be levied on a basis of absolute equality without regard to the nationality of sea-going vessels or their cargoes.

ART. 7. (*a*) The Imperial German Government having taken note of the Anglo-Turkish Convention of the 29th July, 1913, under which the free navigation of the Shatt-el-Arab is assured on terms of absolute equality to the shipping of all nations and a Commission is established for the execution of such works as may be necessary for the improvement of its channel and for its maintenance and for other like purposes set out therein, and being of opinion that the provisions of the said Convention are conducive to the best interests of international commerce, will uphold it so long as it is not materially altered and so long as the duties imposed upon the Commission thereunder are satisfactorily carried out.

The Imperial German Government take note in this connection of the declaration, signed on the 21st October, 1913, and attached to the said Convention, to the effect that articles 7 and 8 thereof do not affect the rights enjoyed in the Ottoman Empire by the nationals of the Treaty Powers.

(*b*) His Britannic Majesty's Government, so far as they are concerned, agree:—

(i) That the German consul at Basra shall have the right to correspond with the Commission on matters within its competence;

(ii) That, if in any case the Commission fail to meet the reasonable requirements of the commerce of the river, and refuse to remove the causes of complaint raised by the German consul, the question at issue shall be referred to an impartial expert, to be nominated by agreement between the two members of the Commission and the German consul, provided that if a similar or analogous complaint is made by any other consul, he shall participate in the said nomination; and that, failing unanimous agreement, Her Majesty the Queen of the Netherlands shall be invited to designate the expert referee.

The Government of His Britannic Majesty will use their good offices with the Imperial Ottoman Government to ensure that effect is duly given to such recommendations as may be made by the expert referee.

ART. 8. The Imperial German Government and His Britannic Majesty's Government take note of the Heads of Agreement between the Smyrna–Aidin Railway Company on the one part and the Anatolian and Bagdad Railway Companies on the other part, initialled on the 28th March, 1914, and forming an annex [1] to the present Convention, and, so far as they are concerned, undertake to uphold the definitive agreement when signed.

ART. 9. Any difference of opinion arising out of this Convention or the explanatory

[1] Not reproduced.

note attached thereto shall be submitted to arbitration. If the two Governments fail to agree about a special Court or arbiter, the case shall be submitted to The Hague Tribunal.

EXPLANATORY NOTE

Section I

In regard to article 1, clause (*a*), of the Convention, it is agreed as follows:—

The Bagdad Railway system is such as it is defined in the conventions concluded with the Imperial Ottoman Government on—

March 5, 1903.
March 21, 1911.
June , 1914.

A true copy of each of the said conventions has been communicated to His Britannic Majesty's Government by the Imperial German Government.

It is further agreed in regard to the said clause that no sacrifice of a pecuniary or economic character is to be incurred by Great Britain in consequence thereof; and that it does not involve the assent of His Britannic Majesty's Government to any levy of import dues, over 15 per cent. *ad valorem*, in the Ottoman Empire, or to any other form of taxation not now in existence.

Nevertheless, His Britannic Majesty's Government will not oppose the Bagdad Railway Company in securing, from existing revenues or from proposed new revenues (to be derived from the increase of the customs duties to 15 per cent. *ad valorem* or from the proposed monopolies or consumption taxes to be instituted in regard to alcohol, petroleum, matches, tinder, cigarette paper, playing cards and sugar), the requisite fresh guarantees to enable the Company to complete the line. This undertaking shall in no way prejudice prior rights of His Britannic Majesty's Government derived under the Anglo-Turkish Pecuniary Claims Convention of the June, 1914.

Section II

In regard to article 1, clause (*b*), the German group which controls the Bagdad Railway Company has given a written assurance to the Imperial German Government that it will always use its best endeavours and voting power to ensure the permanent presence on the Board of the Railway of two directors agreeable to His Britannic Majesty's Government; and the Imperial German Government undertake to His Britannic Majesty's Government that they will use their influence with the group concerned so that the said assurance may be always carried out.

Section III

In regard to article 3, clause (*c*), of the Convention, it is agreed as follows:—

1. No lines in that part of Asiatic Turkey which, west of the 36th meridian of east longitude, lies south of the 34th degree of latitude and/or in that part which, east of the said meridian, lies south of the 31st degree of latitude, shall be held to be in direct competition; but any line north of these limits shall be held to be in direct competition if it establishes direct railway communication between the Mediterranean and the Persian Gulf.

2. There shall be a protective zone extending for 60 kilom. on either side of the lines of the Bagdad Railway system, and any line passing within the said zone shall be held to be in direct competition, provided that in the region between Museyib and Kurna the protective zone shall be bounded on the east by a line drawn midway between the Rivers Tigris and Euphrates, from the latitude of Museyib to Kurna.

3. Local lines serving as feeders for the river navigation and not exceeding 100 kilom. in length shall, provided they do not pass within the protective zone, not be held to be in direct competition.

4. The question of whether any other line is or is not in direct competition shall, in the event of failure to reach an agreement, be referred to arbitration in accordance with article 9 of the said Convention.

Section IV

In regard to articles 6 and 7 of the Convention, it is agreed that the following

recommendations shall serve as a basis for the work of the Commission:—

1. The Commission to set to work as soon as possible.

2. The Commission to undertake a preliminary survey, during a period of at least twelve months, before recommending any large expenditure on permanent works.

3. The Commission to aim as a first step at a depth of 24 feet at high-water springs on the bar.

4. The channel of the river below Mohammerah to be buoyed as soon as possible so as to indicate the position of a shoal in the river.

5. Fixed mooring buoys, allotted as far as possible to the several companies, to be provided at an early date at Basra.

6. The Commission might with advantage model its arrangements generally upon the analogy of the Danube Commission, so far as applicable.

Section V

In regard to article 7, clause (*b*), of the Convention, it is agreed as follows:—

The expert referee shall, unless it be otherwise agreed by the parties concerned, proceed to Basra for the purpose of his enquiry. He shall publish his report within four months after having received all the necessary materials from all the parties, including both Commissioners, or within four months of his arrival at Basra.

The expenses of the enquiry, including the remuneration of the referee, shall be borne in equal shares by the Governments concerned.

114. OTTOMAN PROMISE OF A CONCESSION TO THE TURKISH PETROLEUM COMPANY

28 June 1914

[U.S., 68th Cong., 1st sess., Senate, Doc. No. 97, "Oil Concessions in Foreign Countries," p. 49]

The British and German ambassadors at Istanbul on 19 June 1914 addressed a request to Grand Vezir Sa'id Halim Paşa that an oil concession embracing the *vilâyets* of Mosul and Baghdad be issued to the newly reorganized Turkish Petroleum Company (Doc. 111). Nine days later the Grand Vezir sent identic notes, reproduced below, to the European diplomats. The outbreak of war in midsummer prevented the completion of the negotiations. But on the strength of the 1914 promise the Turkish Petroleum Company a decade later obtained from the Iraqi government a definitive concession (II, Doc. 44). For references, see Doc. 111.

In response to the note which Your Excellency had the kindness to address to me under date of the 19th instant, I have the honor to inform you as follows:

The Ministry of Finance being substituted for the Civil List with respect to petroleum resources discovered, and to be discovered, in the vilayets of Mossoul and Bagdad, consents to lease these to the Turkish Petroleum Company, and reserves to itself the right to determine hereafter its participation, as well as the general conditions of the contract.

It goes without saying that the Society must undertake to indemnify, in case of necessity, third persons who may be interested in the petroleum resources located in these two vilayets.

INDEX

Entries are restricted to titles and introductory comments.

'Abbas, Shah, 6-8
'Abdallah bin Faysal (al-Sa'ud), 76
'Abdülhamid II, Sultan, 79, 85, 103, 110
'Abdülmecid, Sultan, 47, 50, 65
Aberdeen, Earl of, 57, 59
Adair, Robert, 32
Aden, 55
Adrianople, 14
Afghanistan, 15-17, 20, 27, 60, 70, 94, 105
Agadir, 104
Agreements, 24, 39, 55, 68, 75, 81-82, 84, 87-88, 93, 97, 99-100, 104, 110
Aleppo, 1
Alexander I, Tsar, 32
Alexander II, Tsar, 78
Alexandria, 23, 64, 90
Alliances, 1, 6, 16, 18, 25, 27, 29-32, 40-42, 46, 49, 52, 57, 59, 85
Amiens, 28
Anatolia, 106, 110
Anglo-Egyptian Sudan, 50, 79, 91, 99
Anglo-Persian Oil Company, 102, 109, 111-12
Anglo-Saxon Petroleum Company, 111
Anne, Empress (Russia), 17
Arab-Syrian Congress, 107
Arabian Peninsula, 24, 35
Arabian Sea, 75
Aras River, 38
Armistices, 14
Ashraf, 19
Astarabad, 16
Austria, 18, 26, 28, 40, 42, 49-50, 52, 54, 57, 66-67, 71, 93, 104
Azov, 14, 18

Baghdad, 10, 75, 114
Baghdad Railroad, 100, 103, 106, 108, 110, 113
Bahrayn, 35, 77, 88, 97, 109, 112
Baku, 16
Balkans, 86, 110
Balta Liman, 45
Bandar 'Abbas, 7, 20, 68
Banque d'Escompte de Perse, 95
Basidu, 68
Basle, 98
Beauvale, Viscount, 46
Belgrade, 1, 18
Berlin, Congress of, 86
Bethlehem, 59
Bismarck, Otto von, 78, 86, 103
Black Sea, 14, 18, 21, 26, 28-29, 62, 66, 78
Bombay Marine, 35
Bonnac, Marquis de, 16
Bosphorus, see Ottoman Straits
Boundaries, see Frontiers
Britain, see Great Britain
Brunnow, Baron Ernest Philip, 57
Bug River, 18
Bushire, 20, 75

Cairo, 64
Canning, Earl of, 74
Canning, George, 32
Canning, Stratford, see Redcliffe
Capitulations, 1, 4-9, 12-13, 15, 21, 28, 31-32, 38-39, 43, 56, 96; see Commercial Treaties
Capuchins, 13
Carmelites, 13
Caspian Sea, 3, 16, 33, 38; Fisheries, 95
Catharine II, Empress (Russia), 29
Cavid Bey, 110
Chesney, Gen. Francis Rawdon, 44
Churchill, Winston, 109
Clarendon, Earl of, 49, 77
Commercial privileges, Ottoman, 2, 4, 26, 28; Persian, 3, 13, 20
Commercial treaties, 1, 4, 12-13, 15, 17, 21,

27, 31-32, 38-39, 43, 53, 55-56, 69-70, 96; see Capitulations
Concert of Europe, 41, 47, 49-52, 54, 58, 66, 71-73, 78, 86, 89-93
Connock, Edward, 8
Conventions, bilateral, 39, 45, 50, 66, 75, 78, 85, 91-92, 103, 105-06, 108, 110, 113; multilateral, 32, 49, 52, 60, 66, 71-72, 78, 93, 104
Cowley, Earl of, 70
Crete, 50, 86
Crimean War, 21, 57, 62, 65-66, 69-70
Cromer, Earl of, 99
Curzon of Kedleston, Marquess, 96, 100-01
Cyprus, 85-86

Damascus, 54, 58, 71
Danube River, 21
Darband, 16
D'Arcy, William Knox, 102, 111
Dardanelles, see Ottoman Straits
Decrees, Egypt, 83; Ottoman, 6-8, 13, 45-46, 48, 50-51, 65, 79, 99
Deutsche Bank, 103, 110-11
Disraeli, Benjamin, Earl of Beaconsfield, 80-82, 85-86
Dnieper River, 18
Dniester River, 18
Dominicans, 13
Don River, 18
Druzes, 54, 58, 71
Dual Control, 87, 89, 107

East India Company; Dutch, 7, 16; English, 7-8, 20, 24, 27, 33-35, 55; French, 13
Eastern Question, 22, 42, 46, 49, 69
Egypt, 22-23, 25, 27, 29, 45, 47, 49-52, 54-55, 64, 79-81, 83, 85-86, 89-93, 99, 104, 107
Elizabeth I, 5
England, see Great Britain
Erivan, 38
Erzurum, 19, 36
Euphrates and Tigris Stream Navigation Company, 44

Farman, ferman, see Decrees
Farrukh Khan Amin-al-Mulk, 70
Fath 'Ali Shah, 27, 30-31, 34
Finkenstein, 30
Florence, 1
France, 1-2, 4-5, 11, 13, 15-16, 18, 20, 22-24, 27-32, 34, 40-41, 45, 47-49, 52, 54-57, 59, 62-64, 66-67, 69-72, 74, 78, 83, 86, 89-93, 96, 99, 103-04, 106, 110; French Directory, 22
Francis I, 1
Frontier treaties, 10, 36

Gambetta, Léon, 89
Gardane, Brig. Gen. Antoine, 31
Genoa, 1
Georgia, 30, 33
Germany, 75, 93, 100, 103-06, 108, 110-11, 113-14; see Prussia
Ghalzay regime, 17
Gladstone, William Ewart, 82, 90, 91
Grants, 9, 26
Granville, Earl of, 90, 93
Great Britain, 2-6, 8, 11, 12, 20, 22-37, 40-41, 43, 45-50, 52, 54-57, 59-64, 66-67, 69-72, 74-78, 80-97, 99-101, 103-114; Admiralty, 112; India Office, 77; Parliament, 5, 37, 82; Treasury, 80, 112
Greece, 39
Grey, Sir Edward, 108, 113
Gulbenkian, Sarkis Calouste, 111
Gulistan, 33

Hajji Daud, 16
Hajji Muhsin Khan, General, 77
Hamid, Grand Vezir, 26
Hasselt, Johan van, 9
Hatti Şerif of Gülhane, 48
Hattı Hümayun, 65
Herat, 60, 70
Herzl, Theodor, 98
Hitler, Adolf, 23
Holland, Baron, 49
Holland, see Netherlands
Hünkâr Iskelesi, 40-42, 46, 49, 52
Hurmuz, 8, 68

Ibrahim Paşa, 54
Imperial Bank of Persia, 94, 95
Imperial Ottoman Bank, 110
India, 3, 27, 30-31, 34-35, 44, 55, 60, 63, 68, 70, 74-75, 77, 80, 94, 100
Indian Ocean, 55

Iraq, 107, 111, 114; see Mesopotamia
Isfahan, 8, 13, 16, 75
Isma'il, 'Khedive, 79-81, 83, 87
Isma'il Sadiq Pasha, 81
Istanbul, 36, 69-70
Italy, 83, 90, 93, 104, 110

Japan, 105
Jenkinson, Anthony, 2, 4

Kabul, 27, 60
Kapnist, Count, 100
Karim Khan, 20
Khanaqin, 75
Kharak Island, 70
Khurasan, 20
Küçük Kaynarca, 21, 26
Kuban River, 18
Kurdan, 19, 36
Kuria Muria Islands, 63
Kuwayt, 100, 109, 112

Lahij, 55
Lansdowne, Marquess of, 104
Layard, Austen Henry, 85
Lebanon, 11, 54, 58, 71-73, 107
Lesseps, Ferdinand de, 64
Levant, 49
Levant Company, English, 5, 37
Lichnowsky, Prince Karl Mas, 113
London, 49, 52, 78
Louis XIV, 11, 13, 15

Mahmud I, Sultan, 1
Mahmud II, Sultan, 40, 42, 45, 47-48, 99
Malcolm, John, 27
Malet, Edward, 87
Marmara, Sea, 49
Maronites, 11, 54, 58, 71
Marseilles, Chamber of Commerce of, 5
Masqat and 'Uman, 24, 35, 43, 56, 63, 68, 70, 74, 76, 96
Mazandaran, 16, 20
Mecca, 16
Mediterranean, 1, 40, 64, 100
Mehmed 'Ali Paşa, 22, 40, 42, 45, 47-51, 54, 64, 79, 99
Mesopotamia, 75, 106-07, 111
Metternich Fürst von, 42
Mir Mahmud, 16
Mirza Muhammad Riza, 30
Missionaries, 13, 107
Moldavia, 62, 66
Morocco, 104
Mosul, 114
Mubarak, Shaykh, 100
Muhammad Ahmad, Mahdi, 91, 99
Muhammad Riza Bey, 15
Muhsin, Sultan (Lahij), 55
Muhtar Paşa, 92
Münchengrätz, 42
Murad IV, Sultan, 10
Muscovy Company, English, 3
Mussolini, Benito, 23
Muzaffar-al-Din, Shah, 102

Nadir [Quli Khan] Shah, 17, 19-20, 35, 60
Nakhichevan, 38
Napoleon I, 22-25, 27-32, 35, 37, 43, 45, 64
Nasir-al-Din, Shah, 60, 69-70, 94-95
National Bank of Turkey, 111
Nesselrode, Count, 57, 69
Netherlands, 5, 7, 9, 11, 20, 45, 56, 93, 96
Nicholas I, Tsar, 42, 49, 57, 59
Nicholas II, Tsar, 106
North Africa, 104
Northeast Passage, 3

Oil, 95, 102, 109, 111, 114
'Osmanli dynasty, 40, 42
Ottoman Anatolian Railroad Company, 103
Ottoman Empire, 1-2, 4-5, 7, 9-12, 14, 16, 18-19, 21-22, 25-26, 28-32, 36-37, 39-43, 45-52, 54, 57-59, 62, 65-67, 71-73, 75, 78-79, 85-87, 89-93, 99-100, 103, 107-08, 110-11, 113-14; Christian subjects, 71; Greek Orthodox, 21, 59, 62, 65; Roman Catholics, 1, 59
Ottoman Straits, 21, 25-26, 29, 32, 40, 46, 52, 62, 66, 78, 85, 103

Palestine, 98, 110
Palmerston, Viscount, 25, 41, 46, 49-50, 55, 64
Paris, 65-67, 70-71, 107
Paris Peace Conference 1856, 65
Paul I, Tsar, 29
Peace treaties, 19, 36, 38, 65-67, 78, 86

Persia, 3, 6-10, 13, 15-17, 19-20, 27-28, 30-31, 33-36, 38, 52, 60, 68-70, 75, 77, 94-95, 101-02, 105-06; Cossack Brigade, 95; Tobacco *Régie* concession, 94
Persian Bank Mining Rights Corp., 102
Persian Gulf, 7, 20, 24, 35, 68, 70, 94, 101, 103, 105, 108; piracy, 35, 61, 68, 88; slave traffic, 25, 61, 68, 88
Peter I, Tsar, 14, 16-17
Petroleum, see Oil
Poland, 30
Portugal, 7, 35
Potsdam, 106
Prussia, 49, 52, 54, 66, 71, 78
Pruth River, 14
Public Debt Commission (Egypt), 79, 83

Qajar dynasty, 20, 27, 34, 38, 60
Qandahar, 16, 60
Qazvin, 6
Qawasim, 35
Qishm, 68

Railroads, 95, 100, 103, 106, 108, 110, 113
Redcliffe, Viscount Stratford de, 54, 65, 70
Red Sea, 55, 64, 75
Reşid Paşa, 48
Reuter, Baron Julius de, 95, 102
Richelieu, Cardinal, 13
Roman Catholics, 1, 59
Rothschild, House of, 80, 81
Royal Dutch-Shell Group, 111
Rukh, Shah, 20
Rumania, 62, 66
Russell, Earl of, 59
Russia, 3, 14, 16-18, 20-21, 25-26, 28-34, 36, 38, 40-42, 46, 49, 52, 54, 57, 59-60, 62, 65-66, 70-71, 75, 78, 85-86, 91-95, 98, 100-01, 103-06, 110

Sa'dun, Shaykh, 20
Safavi dynasty, 7-8, 10, 15-16, 20, 35
Safi, Shah, 8-10
Sa'id Halim Paşa, 114
Sa'id Paşa, 64
Salisbury, Marquess of, 85, 87, 91, 99
San Stefano, 85-86
Sardinia, 66
Sa'ud, House of, 76
Sayyid Sa'id, 74
Sébastiani, Gen. Horace, 30
Şekip, Paşa, 58
Selim III, Sultan, 26, 28, 48
Seven Years' War, 20
Seymour, Sir George Hamilton, 59
Shamakhi, 16
Shaykh 'Uthman, 55; see Aden
Sherley, Sir Anthony, 6
Sherley, Sir Robert, 6, 8
Shihabi, Amir Bashir al-, 54
Shi'is, 10
Shiraz, 8, 13, 20, 75
Shirvan, 16
Sieur Michel, 13, 15
Sinop, 62
Silistra, 21
Spain, 69, 93
Stanton, Maj. Gen. Edward, 81
Straits, see Ottoman Straits
Sudan, see Anglo-Egyptian Sudan
Suez Canal, 64, 79-80, 85, 91, 93, 104; Company, 64, 80-84, 87
Süleyman, Sultan, 1, 2
Sultan Husayn, Shah, 8, 13, 15-16
Sunnis, 6, 10, 16, 19
Sur, 76
Syria, 46, 54, 71, 85, 100, 103, 106-07, 110

Tabriz, 31
Tahmasp, Shah, 3, 16-17, 19
Talbot, Maj. G. F., 94
Tatar Khanates, 18
Tawfiq, Khedive, 87, 89, 90
Technical assistance, 6, 31, 34, 48
Tehran, 27, 31, 75
Telegraph concession, 75
Tibet, 94, 105
Tilsit, 31, 32
Treaties, bilateral, 16, 55; multilateral, 61-62, 66, 78, 86, 88
Truce, 61
Trucial 'Uman, 35, 61, 96
Turkey, see Ottoman Empire
Turkish Petroleum Company, 111, 113-114
Turkmanchay, 38, 53

Ukraine, 18

'Umani Coast, see Trucial 'Uman
United Kingdom, see Great Britain
United States, 39, 43, 56, 69, 96
'Urabi, Col. Ahmad, 89

Venice, 1, 2
Victoria, Queen, 49, 91
Villeneuve, Marquis de, 1, 18

Wahhabis, 35, 76
Walachia, 62, 66
Wilhelm II, Kaiser, 23, 103, 106
Wolff, Sir Henry Drummond, 91, 92
World Zionist Organization, 98

Young Turks, 107, 110

Zaman, Shah, 27
Zand tribe, 20
Zanzibar, 56, 74, 96
Zionism, see World Zionist Organization
Zuhab, 10

References are to document numbers, not page numbers.

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